R9372-2

# Refugee Reports

**A News Service of the U.S. Committee for Refugees**
**1025 Vermont Avenue NW, Suite 920 Washington, DC 20005 (202) 347-3507**

**Volume XII, Number 6** **June 21, 1991**

## THE RUSSIANS ARE COMING (BUT SLOWLY)

A significant shortfall is expected in the number of Soviet refugees that will be admitted to the United States this year. Although the United States has agreed to admit up to 50,000 refugees this year, only 18,462 have arrived in the first seven months of the fiscal year.

Informed sources predict that FY 91 Soviet admissions will fall short by between 10,000 and 15,000. A shortfall is also anticipated in the Africa admissions numbers. Through April, 1,935 African refugees have been admitted to the United States out of an FY 91 admissions ceiling of 4,900. Total admissions could be as much as 20,000 short of the FY 91 worldwide ceiling.

In response to the anticipated shortfall, Rep. Howard Berman (D-Cal.) introduced an amendment to the State Department authorization bill (H.R. 1415, section 171), that would add the number of refugees not admitted within specified regional ceilings in FY 91 to the FY 92 admissions ceiling for the regions where shortfalls occur. The amendment would also continue to authorize funding in FY 92 for refugee admissions funds that were authorized and appropriated in FY 91 but not used because of the shortfall.

H.R. 1415 passed the House of Representatives on May 15. It now awaits Senate action.

Congressional sources suggest that Berman will withdraw the amendment if the Administration comes forward with 20,000 additional admissions numbers in its FY 92 request--raising the total FY 92 admissions ceiling to about 140,000.

Mark Talisman, director of the Washington Action Office of the Council of Jewish Federations, told Refugee Reports that the Administration would come up with "straight new admissions numbers" in the annual consultations in September that will reflect whatever the shortfall turns out to be. "There is no desire to roll the numbers over" from one fiscal year to the next, he said, if the same goal can be achieved by a larger admissions request for FY 92.

Congressional sources agreed that a rollover of admissions numbers might set a troublesome precedent, but

## IN THIS ISSUE:

A new emigration law goes into effect in the Soviet Union on July 1, yet a shortfall in Soviet refugee admissions to the U.S. of more than 10,000 is expected this year. Bill Frelick explores this apparent contradiction ..... 1

- **Update**

Burmese repatriated from Thailand ..... 4
JVA opens in Sierra Leone ..... 4
House approves $25 million for NGOs in Central America ..... 5

- **Recent Developments**

UNHCR requests that the U.S. allocate resettlement admissions places for especially vulnerable refugees ..... 5
Britain and Hong Kong seek holding center in Vietnam ..... 9
House subcommittee cuts refugee cash/medical assistance by half 10
TPS deadline spurs activity ..... 11

- **Feature**

David North reports on creative approaches to training of refugee service staff ..... 12
Portland forms a team to stop gang activity ..... 15

- **Job Board**
- **Statistics**

that the circumstances this year that created the shortfall--and the size of that shortfall--were so unusual that they demanded special action.

Left unanswered, however, is how a request for 20,000 additional numbers in FY 92 would be paid for if a rollover from FY 91 does not occur. The Administration's proposed budget for FY 92 includes $193.3 million for refugee admissions, which corresponds to only 120,000 refugee admissions places.

Talisman said his preference would be to deal with that within the budget for numbers already obligated in FY 91, but that new monies could be made available from within the FY 92 budget before it is finalized. He said that if these two options fail, "we could clean up with a supplemental [budget request] in FY 92 if adjustments are required."

Talisman said, "We can't ask for additional numbers without funding." He said, however, that the full dimensions of the need will not be evident until the end of the fiscal year, and he expressed hope that more arrivals might be forthcoming before the fiscal year ends on September 30, which would require less of an adjustment for FY 92. "We would be much more delighted if the numbers came in before the end of the fiscal year," he said.

**Soviet Bureaucracy Gums Up the Works** The cause of the shortfall, according to Royce Ficte, director of the U.S. government's Washington Processing Center, is that "the Soviet bureaucracy is incapable of keeping up with the flow." He said that there is nothing new in the delays, but rather that the magnitude has "hit home" this year because of the switch in Soviet processing from Vienna and Rome to direct processing out of Moscow.

Ficte said, "We currently have more Soviets approved for refugee status than we need to meet the 50,000 admissions ceiling."

The main obstacle to moving out approved cases appears to be the Soviet rule that invitations to the United States must be extended from close family relatives. Frequently if the Soviet family member is not actually a closely related, blood relative, he or she will be denied exit permission by the OVIR office, the directorate within the Ministry of Interior that issues travel documents.

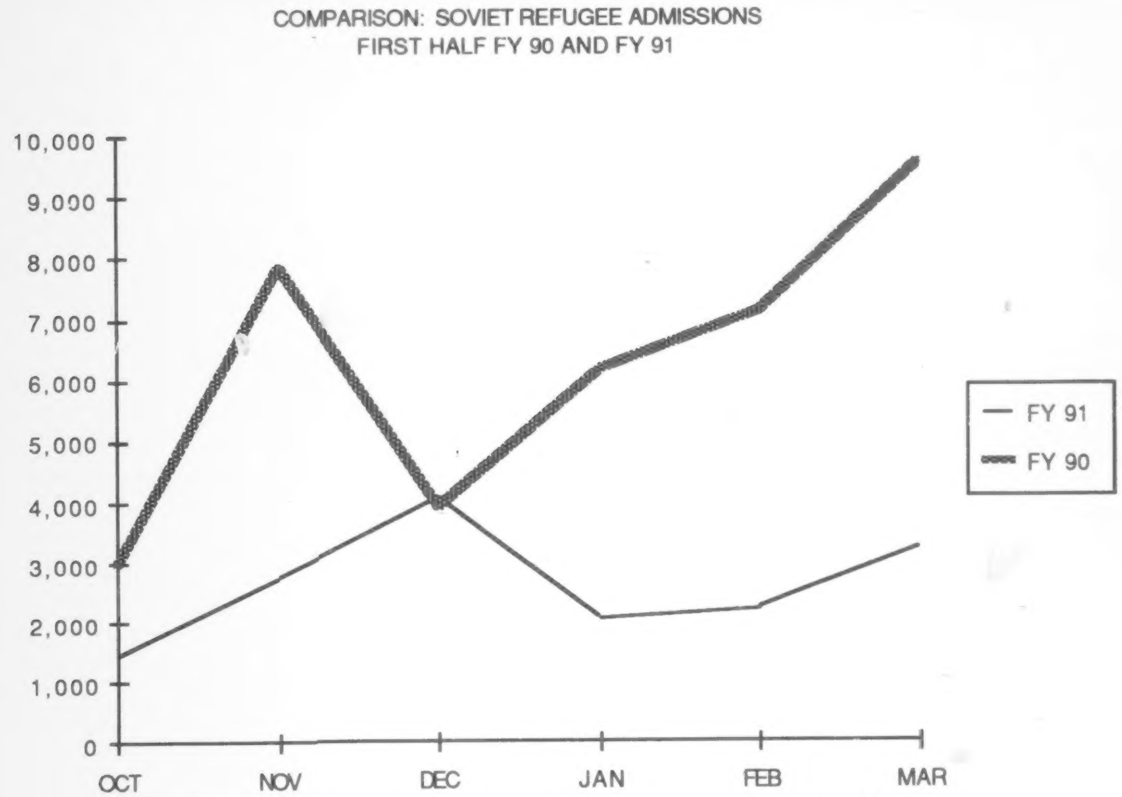
Because Soviet emigres travel together as family units, the denial of one member usually means that the rest of the family refuses to travel so as not to leave one person behind. For example, if a sister of a Soviet citizen extends an invitation to her married brother, his mother-in-law will likely be denied because of her distant relationship to the sister in the United States. Consequently the whole family remains in the Soviet Union.

The other problem appears to be the general slowness of the Soviet bureaucracy. "Moscow processing was set up for a turn-around time of four-to-six months," said Dail Stolow, director of overseas operations of the Hebrew Immigrant Aid Society (HIAS). "Depending on the Republic in the Soviet Union, it can take as much as three months just to stand in line at OVIR to apply for exit permission and another six-to-eight months before receiving a permit."

**Changes under the New Emigration Law** Under the new emigration law that passed the Supreme Soviet on May 20, family relationship will no longer be a required criteria for exiting the Soviet Union. Soviets will have permission to leave based on an invitation from any person or entity, including a foreign government.

However, many provisions of the law are not scheduled to go into effect until 1993. Also worrisome to observers of Soviet emigration practices is the fact that as of June 20 President Gorbachev had yet to sign the bill into law. In addition, the Soviet Council of Ministers was to have handed down a program for implementation of the new law within two weeks of its passage, which also had not happened.

Certain provisions were scheduled, however, to go into effect as early as July 1. As of June 30, the decrees requiring would-be emigres to pay education taxes will be abolished. Also, as of July 1, Soviets traveling to Israel will be issued Soviet passports, so they no longer will lose their Soviet citizenship upon entering Israel. This presumably will allow Soviet Jews leaving for Israel to retain property in the Soviet Union and to preserve the right to return, but in the short-term it could cause further delays, as new passports will have to be printed.



*Source: U.S. State Department, Bureau for Refugee Programs, data tabulated by Refugee Reports*

---

Martin Wenick, executive director of the National Conference on Soviet Jewry, who recently returned from a visit to the Soviet Union where he met with Kremlin officials, told Refugee Reports, "I don't think these changes will have a significant impact" on FY 91 admissions.

Wenick observed, "There could be an increase simply because the pool of eligible people is getting larger and larger." But he also pointed out that the Soviet bureaucracy might not be able to cope with the flood of new nationality groups that never before have been able to travel abroad. "The Soviets are short on passports," he said. "We don't know how fast they will be able to print them."

A State Department source agreed. "There is nothing to indicate the [emigration] law will affect the flow," she said. She also predicted that "the Soviets will have a lot of problems in implementing it."

**Soviet Jewish Exodus to Israel Slows** The movement of Soviet Jews to Israel has also slowed this year. Through the first five months of the year, only 70,000 Jews had immigrated. The semi-official Jewish Agency had predicted the arrival of 400,000 this year.

On June 9, the Hebrew language Al HaMishmar quoted Simha Dinitz, chairman of the Jewish Agency Executive, as saying that "the Jewish Agency is working directly with the Soviet authorities and through other diplomatic channels to reach an understanding that the date for compulsory passports, part of the new emigration law, be postponed from July 1 to January 1, 1992." Dinitz said that if the amendment is not changed, "there is a fear that there will be a further slowdown in aliyah [immigration to Israel]."

**Impact on U.S. Resettlement** Uncertainty about the numbers of refugees who will be arriving has had "an enormous financial and human cost" on the agencies geared up for resettlement of Soviet Jews, said HIAS's Stolow.

"The staffing, facilities, and program were all in place for 40,000 [the number of Soviet Jews slated for resettlement in FY 91 out of a total of 50,000 Soviet places]," said Stolow. She said that the shortfall was having "a significant impact not only on the HIAS budget and the budgets of our resettlement agencies, but also on the human factor--the refugees themselves, whose departure has been delayed."

The shortfall, however, has not touched agencies resettling Soviet evangelical Christians. "It has had no impact on us," said Peggy Gilbert, director of migration services of World Relief of the National Association of Evangelicals.

"The evangelical Christian numbers were frontloaded," explains Gilbert. "Close to 6,000 arrived between October and December." This group represents the "stranded Christians" who originally had exit permission to Israel, and then were not permitted to switch to the United States when processing shifted from Rome-Vienna to Moscow (see Refugee Reports, Vol. XI, No. 4).

---

# UPDATE

---

° In the pre-dawn hours of June 4, Thai officials rounded up 192 undocumented Burmese immigrants in the border town of Mae Sot and repatriated 85 into the hands of Burmese authorities in Myawaddy, according to a report in The Nation, an English-language newspaper published in Bangkok. The other 107 people were transferred to a refugee holding camp at Ban Huay Kalok.

This was the first reported repatriation of Burmese in Thailand since Thai military authorities announced on May 20 that all Burmese illegal immigrants in Tak province must leave the country by the end of the month or face deportation to Burma (now renamed Myanmar). The announcement by Task Force 34, a special military unit in charge of Thai-Burmese border security, also imposed a ban on any further entry by Burmese immigrants or asylum seekers.

Burmese refugees in Thailand number about 50,000, most of whom are ethnic minority groups--Karen, Mon, Pa-O, and others--living along the Thai-Burmese border. About 2,000 Burmese students fled into Thailand when the Burmese army crushed pro-democracy demonstrations in September 1988, killing several thousand people and imprisoning thousands more.

About 1,300 Burmese students living in Bangkok carry "letters of concern" issued by the UN High Commissioner for Refugees (UNHCR) and receive monthly cash grants for assistance. Except for this group, all other Burmese asylum seekers in Thailand have no status except that of "illegal immigrant."

In addition to the ethnic minority groups and student activists, it is estimated that about 20,000 Burmese are living in Thailand without documentation. Many are engaged in cross-border trade or have crossed into Thailand seeking temporary employment. But relief workers and other informed sources in Thailand say that some have fled the risk of forced conscription, porterage, or other forms of abuse at the hands of the Burmese army and deserve protection in Thailand.

Asked about the repatriation incident, UNHCR acting chief Guy Ouellet told The Nation, "None of these people are refugees. We are not involved with them. We only get involved with those who applied for refugee [status]...and are genuine refugees."

In a May 24 letter to Richard Solomon, Assistant Secretary of State for East Asian and Pacific Affairs, three U.S. senators expressed a concern that, "without United Nations or other international screening of the cases that the Thai military authorities are threatening to deport, it is impossible to determine whether these individuals will be safe in Burma." The senators requested that "a representative from the United States Embassy in Bangkok be sent immediately to Mae Sot to investigate this latest threat of repatriation."

The letter was signed by Sens. Alan Cranston (D-Cal.), Daniel Patrick Moynihan (D-N.Y.), and John F. Kerry (D-Mass).

° The Joint Voluntary Representative in Sierra Leone--the International Rescue Committee--officially opened its doors on June 11 to begin processing Liberians for U.S. refugee resettlement. The United States will begin processing Liberian refugees in processing priorities P1 to P3. Few cases are anticipated to be admitted from Liberia before the end of this fiscal year.

° Robert L. Funseth retired as senior deputy assistant secretary of state in the Bureau for Refugee Programs on May 31. Funseth, a career diplomat, served in BRP for the past ten years.

° Karl D. Zukerman has resigned as executive vice president of the Hebrew Immigrant Aid Society (HIAS) effective at the end of the year. Zukerman had served in that position for the past eight years. Ben Zion Leuchter, President of HIAS, said that Zukerman "steered HIAS through perhaps the most tumultuous and difficult period in Jewish migration in the last four decades." No replacement has been named.

° Rev. Harold Bradley, S.J., has left his position as the director of the Center for Immigration Policy and Refugee Assistance at Georgetown University as of July 1 to join the Office of Federal Relations. Bradley will be succeeded by Rev. Francis Gillespie, S.J., who previously served as president of the Center for Applied Research in the Apostolate.

° On June 20, the House of Representatives approved the foreign aid authorization bill (H.R. 2508), which included an earmark for $25 million for nongovernmental organizations working on UNHCR and UN Development Program (UNDP) projects approved by the Concerted Plan of Action of the International Conference for Central American Refugees (CIREFCA). The bill now goes to the Senate.

# Recent Developments

### U.S. URGED TO RESETTLE "REFUGEES AT SPECIAL RISK"

Recently, the chief of UNHCR's resettlement section in Geneva, Gary Troeller, met with State Department officials and voluntary agency leaders to urge that the United States expand current resettlement guidelines to include places for refugees at special risk.

In a meeting with the State Department on June 3, the Migration and Refugee Affairs (MRA) committee of InterAction, an association of 120 private organizations working on international humanitarian issues, including refugee relief and resettlement, proposed that the United States allocate 1,500 FY 92 admissions numbers for refugees, irrespective of geographical location, who fall outside the normal processing guidelines.

Mostly, these would be refugees identified by the UN High Commissioner for Refugees (UNHCR) as priority cases in need of resettlement. Many are individuals at physical or legal risk in their countries of first asylum; others are refugees identified as "vulnerable" by UNHCR.

**State Department Says U.S. Already Admits Vulnerable Refugees** At InterAction's consultations with the State Department, Bureau for Refugee Programs officials indicated that they did not see a need to earmark numbers for refugees at special risk. But, Ambassador Jewel LaFontant-Mankarious, U.S. Coordinator for Refugee Affairs, said that if UNHCR was placing these people before us, we should look at them more carefully.

A spokesman for the Office of the U.S. Coordinator for Refugees, Jim Hall, later told Refugee Reports that the government had yet to respond to the InterAction proposal, though "we listened with great interest and sympathy," he said.

Terry Rusch, Director of Refugee Admissions and Processing in the Bureau for Refugee Programs, told Refugee Reports: that the United States already accepts some vulnerable refugees through normal resettlement. However, she added, "We have not had UNHCR come up with a specific list [of vulnerable refugees] they'd like us to consider." According to Rusch, the U.S. government and UNHCR have been working together for two years to establish a system whereby UNHCR can put forward names of vulnerable refugees it would like the U.S. to consider for resettlement, but a system has yet to be worked

*Handicapped Cuban refugee in Miami.* *UNHCR/L. Solmssen*

out. "We have offered some suggestions as to how this could work," Rusch said. "The bottom line is: yes, we are prepared to help--to the extent that we can."

**Private Groups Support UNHCR Request**

InterAction responded positively to UNHCR's request, proposing not only 1,500 admissions places for vulnerable refugees in FY 92, but also recommending that "U.S. processing guidelines and priorities be formally expanded to include this category of cases." Such a move, MRA members said, would set "a new humanitarian standard for the rest of the world to follow."

Robert DeVecchi, executive director of the International Rescue Committee (IRC), told Refugee Reports that the proposal is "a declaration of concern and intent, and a reminder to the Administration not to get so caught up in the larger resettlement programs such as those for Soviets and Southeast Asians that we forget that refugee admission programs are made up of individuals in special need--who may be located anywhere in the world."

MRA member Don Hammond, director of World Relief, told Refugee Reports, "I think the real issue is that the U.S has different priorities for resettlement than does UNHCR. Although that's as it should be--UNHCR should have a wider view of resettlement needs than any one country--we (PVOs) should strive to help our country broaden its vision. We should be telling our government that it should focus on these people [those identified by UNHCR] too."

Hammond added, "UNHCR has come a long way in identifying for resettlement countries who the real at-risk people are," and the United States can and should do more to help those individuals. "And, 1,500 is not a lot of people," he said.

**Refugees at Special Risk Include Protection and Vulnerable Cases** In its 1991 "Assessment of Global Resettlement Needs and Priorities for Refugees," UNHCR identified 75,620 refugees worldwide in need of resettlement for whom "no other option is available in an acceptable timeframe." (The 1992 figure is likely to be upward of 65,000.) For most of these refugees, resettlement is sought because they are in need of legal and/or physical protection due to:

- security threats in their country of asylum from persons connected with those involved in the refugees' persecution in their country of origin;
- threat of *refoulement* (forced repatriation) by the country of asylum;
- physical risk arising from armed attacks in areas where the refugee is located.

UNHCR also includes among those at special risk individuals identified as "vulnerable", for whom the organization seeks resettlement "as a form of humanitarian protection." The groups UNHCR considers to fall into the vulnerable category are:

- women-at-risk;
- victims of torture or violence;
- physically or mentally disabled refugees;
- refugees for whom appropriate medical treatment in the country of asylum is inadequate;
- longstayers for whom no other durable solution is in prospect.

**The One-Percent Solution** According to UNHCR's Troeller, "Resettlement is the third and last resort in terms of durable solutions.... In 1990, of the world's global refugee population of 15 million, UNHCR requested resettlement assistance for just under 150,000 persons or approximately 1 percent of the total." Yet, of these 150,000, only 52,000 were actually resettled. "This represents a 65 percent shortfall in meeting stated needs," Troeller said.

In 1990, ten countries worldwide announced formal resettlement quotas that provided 156,800 places for refugees. Of those, 96 percent were offered by just three countries: the United States (125,000), Australia (14,000), and Canada (13,000). But only a minority of those resettlement places went to refugees identified by UNHCR as being at special risk. The United States, for example, admitted 122,325 refugees in FY 1990, but only 24,460 of those were from among the 150,000 refugees identified by UNHCR as in need of resettlement.

There are several reasons why at present only a minority of the refugees identified as in need of resettlement by UNHCR are accepted by these countries.

First, many of the refugees for whom UNHCR seeks resettlement fall outside the three countries' established criteria for resettlement. According to Troeller, the United States, Canada, and Australia are "traditional immigration countries.... and consonant with their immigration policies there is a marked, if understandable, preference to admit persons with potential for rapid integration."

Secondly, these countries also admit "a considerable number of persons under refugee quotas whom they process independently of UNHCR," Troeller said. Many of those processed independently of UNHCR, he added, are resettled directly from within their country of origin and, while meeting the resettlement country's national definition of "refugee," are viewed as immigrants by UNHCR because of the provisions of the UN refugee Convention defining a refugee as a person "outside the country of his nationality."

UNHCR is now looking to the major resettlement countries to resettle more of the refugees identified by the organization as being at special risk. According to Troeller, "what we would like is for a limited number of slots for vulnerable refugees to be integrated into the priorities that the major resettlement countries set."

**The Most Vulnerable Refugees Are Often Bypassed by Resettlement System** The number of "vulnerable" refugees is not large. Of the 75,620 refugees worldwide UNHCR identified in 1991 as at special risk and in need of resettlement, only 959 cases are refugees who fall into the vulnerable category (the total number of individuals, including family members, is 3,357). The regional breakdown of these 959 cases is: Africa: 135; Europe: 20; Latin America: 6; Middle East and Southwest

Asia: 148; Southeast and East Asia: 650.

Despite their low numbers and urgent needs, if the experience of 1990 is repeated, only about a third of these vulnerable refugees may be accepted for resettlement this year. In 1990, of 1,400 cases of vulnerable refugees for whom UNHCR sought resettlement, only 450--less than a third--were accepted for resettlement. Since 1973, an average of 300 vulnerable refugees (plus families ) per year have been resettled under special programs for vulnerable refugees, while a similar number have been accepted for resettlement through regular channels.

The emphasis that the major countries place on refugees' ability to integrate rapidly hinders the chances of vulnerable refugees, some of whom may require extra medical help or social services. According to UNHCR, "Year after year UNHCR notes with concern that a great number of seriously disabled and ill refugees, suffering from physical and psychological problems. . . remain in first asylum countries where neither treatment nor viable solutions can be offered them." The refugees' situation is made worse because, as a result of its financial crisis in recent years, UNHCR's ability to pay for medical treatment is limited "only to life threatening situations and to preservation of vital functions."

UNHCR also expresses concern about the reluctance of resettlement countries to accept refugees with mental health problems. These include a small number with severe psychiatric disorders. The majority, however, are individuals who according to UNHCR "suffer from temporary reactional conditions." UNHCR contends that "their problems either disappear spontaneously upon arrival in a resettlement country or are resolved with minimal psychological or community support." Yet they are often rejected by resettlement countries reluctant to consider them differently from chronic psychiatric patients.

**Victims of Torture Are Among the Difficult-to-Resettle Refugees** According to UNHCR, the specialized treatment that refugees suffering psychosomatic consequences of torture or other forms of violence require is "nonexistent" in the countries of first asylum where most live. Yet, while such specialized treatment is available in most resettlement countries, these countries generally group torture victims with those suffering from mental disorders and deny them resettlement. In fact, a disproportionate number of torture victims and other vulnerable refugees are resettled in a few countries with small resettlement programs, primarily the Nordic countries (Sweden, Norway, Denmark, and Finland), Switzerland, and the Netherlands.

**Problems of Refugees with Medical Needs Not Insurmountable** Asked if the absence of a national health care system in the United States is a factor in the resettlement of vulnerable refugees, the State Department's Rusch said, "It is definitely a factor." She noted that the Nordic countries, while offering few resettlement places, include many vulnerables among those they do resettle and have national health care systems that facilitate offering services to vulnerable refugees.

Hammond noted that a majority of refugees at special risk are protection cases and do not require any different resettlement assistance, and that while medical and mental health cases are more difficult, the problems involved in meeting their particular needs are not insurmountable. "It is definitely harder to resettle a medical case," he told Refugee Reports, "But I don't think this small number of people would break anybody's back. We already resettle medical cases--including very difficult ones--from those countries that the United States identifies as priorities for resettlement. We should help respond to the medical resettlement cases UNHCR identifies in other countries."

IRC's DeVecchi agrees. He said, "It is more difficult [resettling medical cases], but I don't think resettlement agencies shun it." DeVecchi noted that many local groups have expressed a willingness to take on more difficult resettlement cases.

Rev. Sid L. Mohn, executive director of Travelers & Immigrants Aid of Chicago, which is actively involved in refugee resettlement, told Refugee Reports, "In Chicago, we work with a number of asylum seekers who are 'vulnerable,' particularly through our Kovler Center for the Treatment of Survivors of Torture. We have found a significant, positive response from the voluntary community to the special needs of these individuals--who are facing or have faced desperate situations. The Illinois Psychological Association has contributed mental health resources to assist in our work, and physical therapists and physicians have also responded to our requests for assistance."

## BRITAIN AND HONG KONG TO SEEK HOLDING CENTER IN VIETNAM

Vietnamese boat arrivals virtually have stopped in every country in Southeast Asia except for Hong Kong, where more than 5,000 asylum seekers arrived in the month of May alone. This new and unexpected surge, coupled with a declining interest in voluntary repatriation, has prompted the British and Hong Kong governments to seek new ways to secure international consensus, and particularly the agreement of the United States and Vietnam, on the involuntary return of screened-out refugee applicants.

The idea that Britain and Hong Kong have proposed, is to engage in bilateral discussions with the Vietnamese government on the establishment of an "internationally managed center" for the screened-out inside Vietnam to be operated possibly by the UN High Commissioner for Refugees (UNHCR).

In other words, what Britain and Hong Kong may be seeking, in order to circumvent continued U.S. opposition to forced repatriation to Vietnam, might be described, at least euphemistically, as the non-voluntary return of non-refugees to a non-Vietnam.

**Three Governments Hold Talks** On June 3 and 4, senior officials from the United States, Britain, and Hong Kong met in Washington, D.C. "to explore measures that could encourage greatly accelerated rates of return to Vietnam of those determined not to be refugees," according to a joint statement issued by the three governments following the meeting.

The United States indicated that it would not object to bilateral talks between the British and Hong Kong side and Vietnam which, the statement said, "could consider the establishment of an internationally managed center on territory provided by Vietnam for those asylum seekers who are determined not to be refugees and who have not taken advantage of the existing voluntary return programs."

The discussions on establishment of such an "internationally managed center" would involve consultations with both the UNHCR and the International Organization for Migration (IOM), the statement said.

While the U.S. government insisted that this agreement did not constitute any change in its policy of opposition to involuntary return to Vietnam, Hong Kong officials hailed the agreement as a breakthrough.

"We welcome this as a positive step toward resolving this very difficult problem we've faced for 16 years," Clinton Leeks, Hong Kong's refugee coordinator, told the New York Times. "It's not a solution in itself, but it is a step toward achieving one."

A total of 10,472 boat people have arrived in Hong Kong between January 1 and June 9, more than three times as many as arrived in the same period last year. Equally alarming to some Hong Kong officials is the fact that Vietnamese seem to have stopped going anywhere else in the region. In May, for example, when more than 5,000 Vietnamese sought asylum in Hong Kong, only 29 Vietnamese boat people arrived in Thailand, and similarly small numbers were projected in Indonesia, Malaysia, and the Philippines.

**Regional Holding Center in Vietnam or Detention Camp?** The idea of an internationally managed center for the screened-out in Vietnam itself has been greeted cautiously by members of the Vietnamese refugee community. "We don't have enough information to make any final decisions," said Thang Nguyen, executive director of Boat People S.O.S., Inc. "Our basic reaction is one of caution, but we would not oppose the idea if certain principles were maintained. First, any repatriation to such a center must be strictly voluntary. Second, there must be iron-clad guarantees that the center will be managed and controlled by the international community, not the Vietnamese government. And third, screening in Hong Kong must be improved. But if forcible repatriation is involved, then we would oppose it."

Daniel Wolf, a Washington attorney who has worked extensively with Vietnamese asylum cases in Hong Kong, takes a similarly cautious view. "The center would have to be a kind of 'free-zone' leased to, and controlled by, the international community with a significant degree of sovereignty ceded by Vietnam for an indefinite period of time. Without that, at best, you would have created nothing different from the current situation and at worst, you would have a detention center in Vietnam."

"But if the conditions of international control and autonomy could be secured," Wolf told Refugee Reports, "then a center in Vietnam would not be far from the concept of a regional holding center for the screened-out. Such an arrangement, even if it involved an aspect of coercion in relocating people, might be more satisfactory than keeping people in the dangerous, penal-like environment that exists now in Hong Kong."

Since June 1988, all Vietnamese arriving in Hong Kong have been subjected to a screening process intended to separate refugees with a well-founded fear of persecution from other emigrants. Those who are granted refugee status are permitted to seek resettlement in another country, while the screened-out have been encouraged to return home voluntarily or face the prospect of long-term confinement and, possibly, involuntary return.

The Vietnamese detention camp population in Hong Kong stands at nearly 47,500, of whom 30,500 are awaiting screening and almost 17,000 have been screened out. Another 6,700 Vietnamese who have been granted refugee status are living in open camps until they can be resettled.

## HOUSE SUBCOMMITTEE CUTS REFUGEE CASH/MEDICAL ASSISTANCE IN HALF

On June 6, the House Appropriations Subcommittee on Labor, Health and Human Services, and Education, chaired by Rep. William H. Natcher (D-KY), approved a spending bill that would cut refugee cash and medical assistance (RCMA) funds in half for FY 92, in an effort to "phase out" the RCMA program by March 1992, according to a subcommittee report accompanying the budget bill.

The House bill would reduce the annual budget for the Office of Refugee Resettlement (ORR) to a total of $293.7 million. The FY 91 appropriation for ORR, and the Adminstration's budget request for FY 92, was $410.7 million.

In the House subcommittee's bill, all other line items in the ORR budget other than cash and medical assistance--including social services, the voluntary agency matching grant program, preventive health services, and targeted assistance--would be funded at the 1991 level.

"The Committee's decision to recommend termination of cash and medical assistance effective March 31, 1992 was an extremely difficult one," said the House report. "It is driven principally by the critical shortage of funds...in FY 92." The report noted that "many refugees continue to be eligible for AFDC [Aid to Families with Dependent Children], Medicaid, and other public assistance programs on the same basis as other citizens."

Another factor influencing the subcommittee's decision, said the report, was "the fact that the Refugee Assistance Act has not been reauthorized since 1988 and that no authorization has passed the House during this Congress."

"Three years is a long time for any federal program to go without even an attempt at reauthorization," an informed source told Refugee Reports. "There is no way to assess the current level of support in Congress" for the refugee resettlement program. A spending bill that challenges the status quo, the source suggested, could spur the Judiciary Committees to report out a Refugee Act re-authorization bill this year.

"Should an authorization become law for 1992," the House report noted, "the Committee will reconsider this recommendation" to phase out refugee cash and medical assistance programs.

In a joint letter to Rep. Jamie L. Whitten (D-Miss.), chairman of the full House Appropriations Committee, the directors of 11 voluntary

| ORR Program | FY 91<br>(actual) | FY 92<br>(Subcomm. mark) |
|---|---|---|
| Refugee Cash & Medical Assistance | $234 million | $117 million |
| Refugee Social Services | 82 million | 82 million |
| Voluntary Agency Matching Grant Program | 40 million | 40 million |
| Targeted Assistance | 49 million | 49 million |
| Preventive Health | 5.7 million | 5.7 million |
| **TOTAL** | **$410.7 million** | **$293.7 million** |

resettlement agencies said that the subcommittee's funding cuts, "if permitted to stand, will have severe consequences for refugees who hope to resettle in America. The state-administered programs will have to reduce income assistance to refugees from the current 12 months after arrival to six months or lower. Unaccompanied refugee children program services, provided by foster care agencies across the nation, will suffer."

The resettlement agencies, all members of the InterAction committee on migration and refugee affairs, recommended that the House Appropriations Committee ideally should provide $546.4 million for domestic refugee resettlement programs in FY 92, and "at minimum," the $410 million requested by the Administration.

## TPS DEADLINE CAUSES FLURRY OF ACTIVITY

As this issue of Refugee Reports went to press, a decision had not been reached that would extend the registration period for temporary protected status for Salvadorans beyond June 30. But as the end of the registration period approached, there was a flurry of activity centered in Washington to extend TPS, as well as intense outreach efforts among the Salvadoran community nationwide to encourage eligible people to register.

On June 18, the House Judiciary Committee took a big step in the direction of an extension by approving a bill that would extend the registration period by four months. An amendment introduced by Rep. Bill McCollum (R-Fla.) to reduce the extension from four to two months was voted down.

The bill, H.R. 2332, was scheduled for a vote on the House floor on June 25. The vote will come under a procedure known as "suspension of the rules" by which a straight up or down vote will take place without debate or amendments. However, in order to pass in this way, the bill requires a two-thirds majority. If it passes the House, it will then be "held at the desk" at the Senate, which means, with "unanimous consent," it can be brought forward for a floor vote without first going through committee.

"We are hopeful and optimistic," said Jim McGovern, an aide to Rep. Joe Moakley (D-Mass.), who introduced the House bill.

If the advocacy effort goes as planned, a Congressional vote may be unnecessary. "I expect the Administration will support an extension of some kind before the House votes on Tuesday," said Rick Swartz of Swartz and Associates, a public policy consulting and advocacy firm in Washington.

**Court Activity** Movement stepped up on the judicial front as well. On June 12, federal district Judge David F. Levi expanded to the Los Angeles district his injunction on fee waivers for indigent Salvadorans. His prior ruling on June 2 had applied only to the San Francisco district (see Refugee Reports, Vol. XII, No. 5).

**The Last Minute Surge** As the deadline neared, large numbers of Salvadorans began to come forward. "It has been an avalanche, unbelievable," said Madeline Janis, executive director of CARECEN in Los Angeles. She said that her office has been processing 300 persons per day for three-to-four weeks and has been turning away 200 more people per day "because we can't handle them."

Janis said that every day by 6:00 am, there is a line halfway down the block outside their office. Since Judge Levi's injunction on waivers, said Janis, between a quarter and a third of the applicants have applied for waivers.

She also said that full families are coming forward for the first time in response to the family cap on fees (see Refugee Reports, Vol. XII, Nos. 1 and 5). "We now have a clown giving out balloons and apple juice to the children," she said.

## Projects and Programs

### SPREADING THE WORD: HOW REFUGEE-SERVING AGENCIES USED STAFF TRAINING TO GET MORE RESOURCES

**by David S. North**

"Staff training session." Are these the three dullest words in the English language? Not necessarily. Refugee-serving staff training sessions recently have included:

° a fire being set, deliberately, in the middle of the training room floor by the visiting fire-safety speaker;

° a visit, all in one morning, to a new Buddhist temple among the sugar cane fields of Louisiana and to a nearby, state-of-the-art clothing factory;

°changing the interpretation of the rules that newly arrived refugees secure food stamps more quickly and have a better chance for subsidized housing.

These stories came to light as a result of the decision of ORR's Region VI (Arkansas, Louisiana, New Mexico, Oklahoma and Texas) to stress the availability of non-refugee-specific programs that can help refugees. That is a useful, but abstract concept. To make it work, one must see to it that information about these numerous, often complex programs gets to refugees who can make use of them.

In order to reach that goal, Region VI decided to encourage its refugee-serving agencies to plan year-long staff training programs as well as community outreach sessions on these subjects. The in-service training would give information on these mainstream programs to the staff for transmission to refugee clients while the outreach sessions could be used to transmit the information directly to the refugee communities. The Center for Skills Development/TransCentury was contracted to help the agencies construct these plans, and the author of this report served as the trainer.

What was learned in this process? A lot. Some of it expected--agencies that took the idea seriously gained a great deal, and those that did not gained little--and some of it unexpected. For example: many government officials in agencies that would appear to be light-years away from the refugee program, knocked themselves out to speak to refugee audiences. Further, when given a little encouragement, refugee agencies created their own programs covering a fascinating range of subjects, from crabbing regulations to cremation.

Finally, if securing information on non-refugee-specific programs useful to refugees is the objective of these activities, there are many helpful by-products as well, such as:

° Making New Allies The Multicultural Community Center in Dallas invited representatives of local organizations for the aging to participate in Cambodian and Lao New Year celebrations as a forum for describing mainline, government-sponsored programs for the elderly. The guests were moved by what they saw, and wanted to work with the refugee communities on a continuing basis.

° Alleviating Tensions Catching crabs in traps is a way to make money in rural Louisiana and many Vietnamese do it. The problem is that it is a highly regulated activity, and the Vietnamese often get stiff fines from the game wardens. The Vietnamese are not accustomed to such laws, and the uniformed, pistol-wearing wardens are not accustomed to the Vietnamese. Solution: the U.S. Catholic Conference-affiliated agency in Lafayette persuaded the crabbers and the wardens to meet in a neutral setting. While everyone was edgy as the meeting started, three hours (and much translation) later the game wardens and the crabbers were shaking hands and chatting with each other.

° Trading Benefits In Tulsa, a discussion at the YWCA on fishing and hunting laws resulted in an agreement between refugees and the fish and game department to encourage a specific local Vietnamese store to sell fishing licenses; the store would get some new business, the Vietnamese would have a chance to buy licenses in a familiar setting, and the game wardens would secure more compliance. Similarly, at a program on the 911 emergency number held by the Refugee Center in Oklahoma City, the visiting speaker offered a stack of 911 stickers for telephones in return for a list of bi-lingual refugees with telephones (for emergency translations).

y-product of these training sessions comes just before or after the meeting, when coffee is served and one-on-one conversations take place. Cards are exchanged, specific cases discussed, and somewhat distantly related matters are discussed. The number of black and Hispanic guest speakers provided a good opportunity for multi-ethnic networking.

**Information Exchange on Government Programs** The principal, direct benefit of the training programs was the transmittal of information about specific government programs that can benefit (or protect) refugees. There is room here for only a few quick examples of what refugee agencies learned that was new, at least to me:

° In New Mexico, refugees seeking government-provided health care can be picked up in vans for trips to the public hospital. This is in addition to the use of taxis by Medicaid-card holders.

° Speaking of Medicaid, the Refugee Center in Oklahoma City found that some refugees on cash assistance were turning down job referrals because they feared they would lose Medicaid. Usually, those refugees can take the job and (if it does not provide health insurance) stay on Medicaid for a transitional twelve months.

° The Asian American Community Service Association in Tulsa arranged a visit to the local housing authority to learn about the Section VIII subsidized housing program. There is not a single waiting list; there are many of them, with two tiers on each list -- federal priority cases on top, then all others. The public housing authority has one set of waiting lists, as do each of the other organizations in the area with subsidized units; each of these, in turn, has separate lists for the number of bedrooms needed, so it pays to be on as many lists as possible. The most likely way for a refugee family to get on the federal priority list is when two or more such families are living in a single apartment, and thus are living under unduly crowded conditions.

**Organizing the Meetings** There are lessons to be learned not only from the substance of these sessions, but also on how best to arrange the meetings.

First, agencies should schedule one or two regular meetings a month, each of which is devoted to a single topic. In one city, the agencies put on an all-day session with four speakers. Spreading it out makes more sense.

Second, paying visits to other agencies is highly effective. It shows the other agency that you are interested enough to come to their offices; it gives the staff first-hand knowledge of the other agency; and often it is a lot more memorable to the staff than a visiting speaker.

A third lesson to be learned is that when it comes to visiting speakers, strangers are probably more useful than staff members. Some training sessions included staff members talking about their area of specialty or about their visits to other agencies. The problem with this approach is that you cannot make new allies nor experience the stimulation of contact with a new personality.

Fourth, it is useful to think broadly about the subjects to be discussed at these programs; think about the real concerns of the community, not the government agencies listed in the blue pages of the phone book. For example, the Dallas agencies put on a crime-prevention program focussed on defending yourself in a rough neighborhood, and the refugee agency in Fort Smith, Arkansas invited a local undertaker to discuss cremation, a traditional funeral technique used in the homeland.

Finally, think about staff skills as well as the exchange of information. Staff training at the Tulsa Y, for example, has included learning how to fingerprint people for the Green Card, and in Lafayette, the staff was trained to use Polaroid cameras for ID photos.

**Choosing Speakers, Avoiding Pitfalls** There are pitfalls to avoid in choosing guest speakers for training sessions. For example, in a meeting in Oklahoma City, I asked the Internal Revenue Service to send someone to discuss earned income tax credits, a very useful program for many low-income refugees. What I failed to do was specify that I wanted one speaker. We got three, each of whom wanted to talk about her subspecialty, and each of whom brought six to ten pieces of literature (much of marginal value to that audience).

In another instance, we heard speakers (about Section VIII) who told us exactly what their own segment of the program did, without focussing on the broader issue at hand -- how can we help refugees find subsidized housing.

In short, it helps if an agency invites a speaker of high enough rank to see his or her own agency's whole program in the context of refugee needs. Do not be shy; ask the boss of the agency to come visit the refugee program.

In many cases, we found that outside agencies were delighted to come talk to a refugee audience on fairly short notice, and often had no previous contact with refugee groups. A good example was the Oklahoma City Fire Marshall, who lit--and put out--the fire on the floor of the Refugee Center, as part of an all-day Saturday session put on by the New Lao Friendship Club to introduce the Lao to various law enforcement and public safety programs.

Another pitfall may be hidden agendas on the parts of speakers, which are not always easy to spot in advance. The crime fighting lady who put on a dynamite presentation, also came to sell mace to the audience. I suspect that one of the private-for-profit vocational schools encountered in one of the states, was also interested in sales.

It is important, in short, to manage visiting speakers at these sessions. If possible, find out from others who is a good speaker at a given organization. When the invitation is extended, ask for someone who can cover all the agency's programs. When the speaker is identified, call him or her and say what the group wants to hear about. Follow this up with a letter saying the same thing, and then repeat it again when the speaker is introduced at the staff session.

Two final observations: 1) It is useful to bear in mind that there are regulatory programs which may be as helpful to refugees as the service programs mentioned above. Several agencies had useful meetings with two arms of the U.S. Labor Department, the Employment Standards Administration, which enforces the minimum wage and overtime laws, and the Occupational Safety and Health Administration (OSHA), which regulates work-place safety. 2) Only once in this long series of sessions did I hear a mention of the Targeted Jobs Tax Credit program. This can be a significant help to job developers as they seek jobs for refugees who also qualify for this program (such as people on cash assistance or low-income refugees aged 18 through 22.) Private for profit employers who hire eligible people can reduce their federal corporate tax by as much as $2,400 by employing these workers. That is quite an incentive.

While the utility of these kinds of staff training and community outreach programs are not new to the refugee-serving agencies in Region VI, and while all such programs are not of equal value, my sense, after five weeks touring the Region, is that these programs are generally stimulating to the staff and ultimately useful to the refugees. I certainly learned a great deal in this process, both from the refugee-serving agencies and from the visiting speakers.

---

*David North works on refugee and immigration matters with Washington's TransCentury Foundation.*

### PORTLAND FORMS A TEAM TO STOP GANG ACTIVITY

Since May 1987, the city of Portland, Oregon and Multnomah County have witnessed a dramatic increase in the number of gang-related incidents and in the number of youth reporting gang membership, according to the Juvenile Justice Division in the Multnomah County Department of Human Services. In a 1990 report, the agency cited "a noticeable increase in hate crimes and White Supremacy influences, specifically through Skinhead gangs. Southeast Asian youth gangs became increasingly active in violent, weapons-related crime and organized, vehicle-related crime."

Initial responses by the division focused on prosecution and detention measures but failed, the report said, "to direct its approach toward a comprehensive response that included networking with law enforcement, prosecution, schools, and the community." It took a drive-by shooting involving three carloads of Vietnamese gang-members in late 1989, to galvanize the division into forming a Gang Resource and Intervention Team (GRIT), with one of its focuses being on Southeast Asian gangs.

GRIT targets youths who have been found guilty of a gang-related crime--it could be anything from theft to attempted murder--and are on probation. Juvenile Court counselors define a gang as "three or more people who meet on a regular basis to commit crimes."

Youth who violate their probation can be ordered by the court into short-term detention. But rather than just lock these kids up, GRIT wants to teach them something.

One primary component of the GRIT effort has been the development of a 30-day, skills-building curriculum to "lead youth toward more positive roles in the community and away from the youth gang subculture." The curriculum focuses on six core components--violence prevention, survival, emotional wellness, image building, cultural awareness, and health-related skill building.

From six in the morning to eight at night, a group of about 12 kids goes through an intensive series of educational programs and counseling sessions. Half the day is spent on a regular school curriculum. The other half is devoted to group activities, ranging from role-playing exercises in conflict resolution, to job training and job search, to a course on "street law," adapted from a program developed by Georgetown University.

Thach Nguyen, a Vietnamese Juvenile Court counselor, has worked with two groups of 12 Southeast Asian youth. "We try to teach these kids some healthy alternatives to violence and criminal behavior," said Thach. "We know the program is successful, because the kids on our caseload are not committing crimes."

Another counselor, Larry Harding emphasized that, when the 30-day program is over, GRIT staff help their graduates with job placement, as well as referral to drug and alcohol treatment programs or group homes when necessary. "We also keep track of the kids with weekly group meetings and by following up with families, employers, the police, the district attorney's office, schools, and community-based organizations," Harding said.

"The first step is to acknowledge the problem," Harding told Refugee Reports. "The gang-member's best friend is denial. In most cases, the community will deny everything until there is blood in the streets."

For more information on GRIT, contact Thach Nguyen or Larry Harding at the Juvenile Court District Office, 4815 N.E. 7th, Portland, Oregon 97211. Tel. (503) 248-3978.

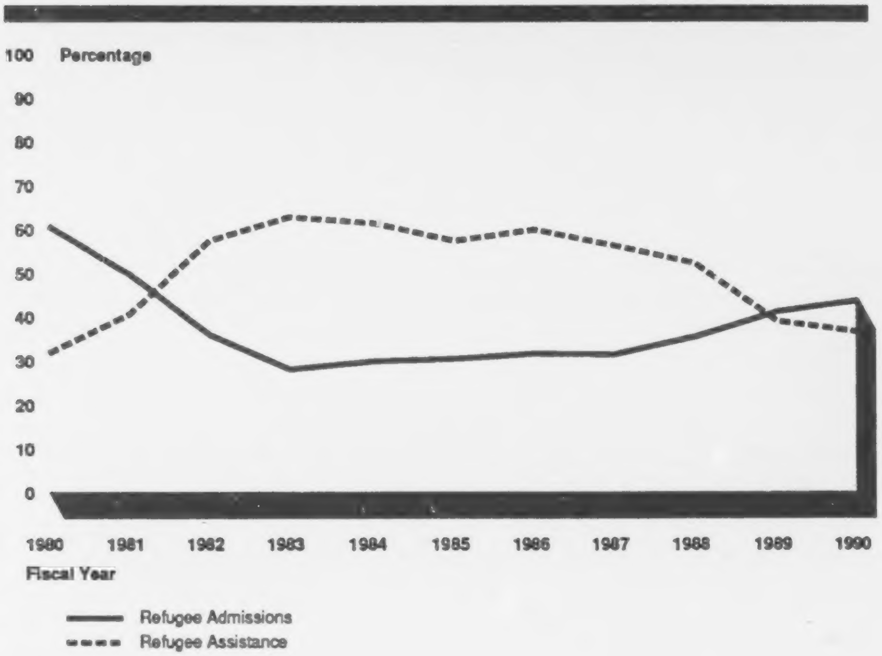
---

## Job Board

**Director of Finance and Administration** Lutheran Immigration and Refugee Service seeks person to manage accounting, budget preparation, and fiscal development. Seeking candidates with degree in accounting, at least five years experience in financial management. Salary negotiable.
**Contact:** Ralston H. Deffenbaugh, executive director, LIRS, 390 Park Ave., South, New York, NY 10016.

**Assistant Legal Counselor** The UN High Commissioner for Refugees (Washington, DC branch office) seeks person to counsel asylum seekers, monitor judicial decisions, and draft comments on U.S. government refugee policies and procedures. Seeking law degree or related experience, competency in Spanish or French preferred.
**Contact:** Fernando Chang-Muy, UNHCR, 1718 Connecticut Ave., NW, #200, Washington, DC 20009.

**RELATIVE PERCENTAGE OF U.S. REFUGEE FUNDING FOR ASSISTANCE AND ADMISSIONS**



*Source: U.S. General Accounting Office.*

*REFUGEE REPORTS* is published monthly for $37.50 per year for one subscription, $25.00 each for two or more subscriptions to the same addressee, or $25.00 each for ten or more subscriptions requested at the same time, mailed to separate addresses; overseas postage is an additional $24.00 for second class or an additional $75.00 for airmail; by ACNS, 95 Madison Avenue, Third Floor, New York, NY 10016. Second Class Postage paid at New York and additional mailing offices. POSTMASTER: send address changes to *Refugee Reports*, Sunbelt Fulfillment Services, P.O. Box 41094, Nashville, TN 37204.

Editorial comments and inquiries should be sent to : *Refugee Reports*, 1025 Vermont Avenue NW, Suite 920, Washington, DC 20005. All communications regarding subscriptions should be sent to: *Refugee Reports* Subscriptions, Sunbelt Fulfillment Services, P.O. Box 41094, Nashville, TN 37204. (615) 377-3322.

Basic subscription rate for 12 issues per year: $37.50; Multiple-copy rate: $25.00; Single copies of back issues: $4.00
Co-Editors: Bill Frelick and Virginia Hamilton; Staff Writers: Court Robinson and Hiram A. Ruiz
Distribution Manager: Carolyn Moore; Production Coordinator: Koula Papanicolas
© 1991 American Council for Nationalities Service. Rights of reproduction and redistribution reserved. ISSN 0884-3554

# Refugee Reports

**A News Service of the U.S. Committee for Refugees, a Project of the American Council for Nationalities Service**
**Sunbelt Fulfillment Services**
**P.O. Box 41094**
**Nashville, TN 37204**

**Address Correction Requested**
**Return Postage Guaranteed**

R9372-2

# Refugee Reports

A News Service of the U.S. Committee for Refugees
1025 Vermont Avenue NW, Suite 920 Washington, DC 20005 (202) 347-3507

Volume XII, Number 7 July 31, 1991

## BETTER LATE THAN NEVER? CONGRESS LOOKS AT REAUTHORIZING THE REFUGEE ACT OF 1980

In the eleven years since passage of the Refugee Act of 1980, the United States has spent more than $6.6 billion to resettle 1.1 million refugees from around the world. During that time, however, Congress has reauthorized the act only twice. The most recent authorization expired in 1988. In a period of soft job markets and shrinking federal dollars, many are looking to Congress to revitalize the U.S. refugee program even as they are wondering just how much support that program, as embodied by the Refugee Act, really enjoys.

"Revisions to our resettlement system are needed" in order that "we can do more with less," said Sen. Edward M. Kennedy (D-Mass.) in opening a July 11 Senate hearing on reauthorizing the Refugee Act. In the last five years, federal funding for domestic resettlement programs has been cut in half, and payments to states for refugee cash and medical assistance have been trimmed by two-thirds or more.

"Clearly, this trend cannot continue," Kennedy said, "and still permit the United States to remain a leader in international refugee assistance." Reforms were needed, he said, to carry out resettlement "more effectively and without significant new funding."

But what aspects of the resettlement program most need reforming? Will change necessarily bring improvement? Should reforms be mandated in the Act or should they come about through regulatory revisions? What is the proper mix of national direction and local discretion? Just what is meant by self-sufficiency, anyway? And does a national consensus exist on any of these questions?

Seeking some answers, on May 31, the National Immigration, Refugee and Citizenship Forum convened a meeting of more than 50 key players in refugee resettlement, including voluntary agencies, mutual assistance associations (MAAs), and state and local governments.

There was "widespread agreement" on the goal of economic self-sufficiency for a refugee family within a one-year initial resettlement period, according to a July 2 memorandum on the meeting issued by the National Forum.

## IN THIS ISSUE:

As Congress prepares to reauthorize the Refugee Act of 1980, it is considering changes in the approach to refugee resettlement. Court Robinson examines the various reform proposals .................... 1

- **Recent Developments**

TPS registration period extended for Salvadorans .......................... 8
Refugee provisions of House Foreign Operations spending bill .......... 9
U.S. reviews admissions policy for Ethiopians ............................ 10
Cuban arrivals surge .............. 11
Iraq threatened by famine ....... 12

- **Update**

Refugee processing post established for Liberians .......................... 13
Salvadorans repatriate from Nicaragua and Panama........... 13

- **Meetings and Conferences** .................14
- **Job Board** .....................14

- **Current Research**

UNHCR at 40 ........................ 15

- **Statistics**

Annual admissions and ORR appropriations, FY 80-91 ........ 15

Participants further agreed that "cash and medical assistance will need to be fully funded for the twelve months," the memo said. "The need for case management and a single point of accountability...was widely accepted."

"Some people felt the program needed more fixing than others," executive director of the National Forum, Frank Sharry, told Refugee Reports. "But there was a critical mass who wanted to come up with an affirmative program of reform."

There was "serious disagreement," however, Sharry said, on the question of who controls the resettlement process, specifically, who plays the role of case manager. "People generally could agree that case management is needed, but not who does it, or who decides who does it."

Even if consensus on change can be reached, reforms may come too late to preserve a national resettlement program, some are saying, if Congress does not restore a $117 million cut in the Office of Refugee Resettlement (ORR) FY 92 budget, which passed the House on June 26. (See Refugee Reports, Vol. XII No. 6.) Without that money, funds for refugee cash and medical assistance could be exhausted by March 1992, and a number of states have threatened to withdraw from the ORR program.

Even if the funds are restored, ORR still could face substantial shortfalls next year, given the widespread speculation that the FY 92 refugee admissions ceiling will be 131,000 or higher. In February, the Administration submitted an ORR budget request for $410 million to resettle 121,000 refugees. Most of the additional numbers are expected to be used for admissions from the Soviet Union.

**More Money, Say the States** The federal/state partnership established by the Refugee Act "is in tatters and...the resettlement program is a mere shadow of its former self," said Sen. Bob Graham (D-Fla.), speaking before the Senate Subcommittee on Immigration and Refugee Affairs, which Kennedy chairs. "The funding level for the domestic resettlement program has been erratic and has not kept pace with the surge in admissions," Graham said. "The result is a clear pattern of shifting costs to the states that are undeniably a federal responsibility."

In FY 85, the United States admitted 68,045 refugees, and ORR assistance averaged about $6,700 per refugee. In FY 90, a total of 119,317 federally funded refugees and Amerasian immigrants were resettled, with ORR assistance averaging $3,100 per refugee.

According to calculations made by the National Governors' Association (NGA), since FY 89, states have been obliged to pick up an average of $100 million per year in refugee cash and medical benefits that previously had been covered by the federal government.

NGA has recommended that Congress appropriate $618 million for resettlement programs in FY 92, based on a projected admissions ceiling of 141,000.

Graham offered three ideas on Refugee Act reauthorization intended to "shore up the federal/state partnership and entice the states to continue their participation in the federal refugee program."

First, Graham said, "There must be a link between the level of domestic resettlement funding and the level of refugee admissions. If the federal government is unwilling to fund the necessary resettlement services, then it is incumbent on us to decrease the level of admissions." In boosting refugee admissions ceilings even as it cuts resettlement budgets, the federal government is playing "humanitarian and Scrooge" at the same time, he said.

Second, noting that "budget requests bear little relationship to admissions proposals," Graham suggested that admissions ceilings for the pending fiscal year should be established by June 1. "This should give Congress adequate notice to arrive at more realistic funding levels."

Finally, Congress should establish a "Refugee Emergency Fund" to provide domestic resettlement funding for emergency admissions, Graham said.

**More of the Same (More or Less), Says the Administration** In the face of significant budgetary constraints, "the flexible nature of the Refugee Act of 1980 has worked well over the last decade," said Jewel Lafontant-Mankarious, U.S. Coordinator for Refugee Affairs, in her Senate testimony. "The Administration does not recommend changing [it]."

## SUMMARY: The Refugee Act of 1980

The objectives of the Refugee Act of 1980 are "to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States, and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted."

The Refugee Act of 1980 established the definition of a refugee as:

> *any person who is outside any country of such person's nationality...and is unable to or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion....*

Under this act, the President was given the authority to:

- Determine and extend refugee status
- Assign the number of refugee arrivals permitted each fiscal year
- Exceed the number of refugee arrivals due to emergency situations
- Report to and consult with Congress concerning the number and allocation of expected arrivals
- Initiate appropriate consultations between members of the House and Senate Judiciary Committees and representatives of the President
- Appoint, with the consent of the Senate, a U.S. Coordinator for Refugee Affairs responsible for the development of admission and resettlement policy and the coordination of these programs.

The Attorney General was given the authority to:

- Regulate asylum procedures
- Extend refugee status to individuals
- Adopt waivers for refugee status
- Terminate refugee status
- Deport individuals whose refugee status has been terminated
- Allow individuals to be paroled into the U.S. on grounds of humanitarian or public interest

The Department of State was authorized to implement programs for refugees awaiting entry into the United States and to contract with public or private nonprofit agencies for initial reception and placement services, including the provision of food, clothing, shelter, and transportation.

The Office of Refugee Resettlement (ORR) was established as part of the Department of Health and Human Services as the administrative body for refugee resettlement. ORR was authorized to make grants and contracts with public and private agencies for:

- Job training and employment services
- English language training
- Health and mental health services, social services, educational and other services
- Special education for refugee children
- Care and placement of unaccompanied refugee children

ORR was also authorized to cover up to 100 percent of the cash assistance and medical assistance provided to refugees during their first 36 months in the United States.

As part of the Fish-Wilson amendment to the Refugee Act adopted in 1984, the Secretary of Health and Human Services was given the authority to develop alternative resettlement programs aimed at achieving early economic self-sufficiency for eligible refugees and reducing welfare dependency rates. These programs may include:

- Alternative methods for providing interim cash support
- Alternative methods for providing medical services
- Alternative methods for providing case management

Adapted from: National Immigration, Refugee and Citizenship Forum

This theme was echoed by ORR Director Chris Gersten. "We believe that the Refugee Act is serving the interests of our country well and that substantive changes are not required," he said. "Program improvements can be done under existing program authority."

One new approach ORR was looking at, Gersten said, "would require states to establish numerical self-sufficiency goals as measured by welfare terminations and grant reductions due to increased employment, and allow states greater latitude in how they achieve these goals, by waiving certain ORR program requirements." This approach has worked successfully in ORR's Key States Initiative (KSI) project, Gersten suggested, in which four states--Minnesota, New York, Washington, and Wisconsin--have participated since 1987.

"Refugee resettlement has been effective in most states," according to an ORR options paper on reauthorization that has been circulated informally to a number of states and voluntary agencies. "Prolonged welfare dependency is a problem that is largely confined to 5 or 6 states: California, Massachusetts, Minnesota, New York, Washington, and Wisconsin. It is in these states where efforts...need to be directed, instead of redesigning the system in all states."

The welfare dependency rate among refugees who have arrived in the last two years is about 50 percent nationwide, Gersten said. "But that reflects the fact that California is 80 percent. If you take California out of the equation, you get down to 31 percent nationwide."

As a result of KSI efforts, the paper noted, Wisconsin had been able to reduce welfare dependency rates on the part of its predominantly Hmong population from 73 percent in 1988 to 54 percent in 1990. One of the key factors in this success story, said the ORR paper, "was the change in program focus to self-sufficiency goals, as measured by welfare grant terminations and grant reductions due to employment, and away from job placement goals only."

"What we would plan to do," Gersten said at a July 25 hearing of the House Subcommittee on International Law, Immigration, and Refugees, "is to institute what we call self-sufficiency guidelines and negotiate with each state refugee office an agreement in which--in exchange for the social service dollars and the targeted assistance dollars that we put in--they would get a certain number of refugees off of welfare, or [achieve] welfare reductions, or refugees would not go on welfare in the first place."

"And the states would then apply the same principle in contracts with each of their service providers.... This accountability does not exist by and large in the system now."

**California Defends Itself** California's refugee state coordinator, Walter Barnes, defended his state's record on refugee public assistance. "California is frequently perceived as the major problem state," Barnes said in Senate testimony, "based on the perception that there is 'too much' welfare dependency" among refugees who have resettled there.

To those who hold that view, Barnes offered a few statistics: "More than half of all refugees residing in California are not receiving any government assistance at all. This is almost 320,000 men, women, and children." Of the refugees on aid, 12 percent are aged, blind, or disabled, he said, and about 40 percent are eligible for the Aid to Families with Dependent Children (AFDC) program, which includes single-parent families, and ones with large numbers of children.

"The annual percent increase in the number of refugees on AFDC has been less than five percent per year," Barnes said. "In contrast, the AFDC caseload for all persons in California increased by 14 percent between July 1989 and November 1990."

An overhaul of the refugee resettlement program was not necessary, Barnes suggested, though he did call for "minor changes to the Act," including a requirement "that refugee appropriations be based upon actual costs and tied to the expected level of admissions, and that the authorization levels be adjusted accordingly."

**More Case Management Control, Say the Volags** In order for a refugee to achieve early self-sufficiency, "someone has to be in charge," said Wells Klein, executive director of the American Council for Nationalities Service in his Senate testimony. "There has to be a focal point of responsibility and accountability."

### Reduction in Reimbursement Periods for Cash and Medical Assistance Programs since 1985

| Date of reduction in reimbursement | Reimbursement periods (in months) | | |
|---|---|---|---|
| | AFDC, SSI, and Medicaid for Refugees | Special refugee cash and medical assistance | General assistance for refugees |
| | 36[a] | 18[a] | 19 to 36[a,b] |
| March 1, 1986 | 31 | 18 | 19 to 31 |
| February 1, 1988 | 24 | 18 | 19 to 24 |
| October 1, 1988 | 24 | 12 | 13 to 24 |
| January 1, 1990 | 4[c] | 12 | 0 |

[a] This was the reimbursement period before the first reduction.

[b] HHS reimbursed the cost of general assistance during a refugee's 19th through 36th months of residence in the United States.

[c] As a result of the amount appropriated for cash and medical assistance in fiscal year 1990, HHS expected to limit reimbursements to 4 month. However, available funds were insufficient to cover 4 months.

Source: General Accounting Office. Information on reimbursement periods before January 1, 1990, is from Refugee Resettlement Program: Report to the Congress, HHS, Family Support Administration, Office of Refugee Resettlement (reports dated 1986 through 1990). Information as of January 1, 1990, is from memoranda dated November 22, 1989, and September 24, 1990, from ORR to state refugee coordinators.

The "someone in charge," said Klein, should be a case manager, "a trained caseworker who develops a plan for self-sufficency with the family unit, including interim support as needed, the identification of barriers to self-sufficiency and services needed to overcome those barriers, and employment counseling and search."

"Case management," according to Klein, "is not a new concept in refugee resettlement. New elements are that it would be mandated, that it would operate from day one after the refugee's arrival, and that the providers of other services would be required to respect the case management plan."

"The case manager must have the authority to act as 'gatekeeper'," Karl Zukerman, executive vice president of the Hebrew Immigrant Aid Society, told the House subcommittee. "A gatekeeper has the ability to require the delivery of services needed to fulfill the goals of the resettlement plan he or she has developed with the refugee family, and to control the access of the refugee to services as appropriate."

Generally speaking, under the current resettlement system, new refugee arrivals are offered an initial 30 days of reception and placement (R&P) services provided by a voluntary agency under contract to the Department of State. Following this, refugees may avail themselves of a variety of ORR-funded services including English-as-a-second-language (ESL), job training and employment counseling, and public assistance.

Under the model proposed by the voluntary resettlement agencies, the refugee would be free to select these services in the first year, only if his or her case manager agreed that it was part of the resettlement plan.

Said Zukerman, "One person [is] responsible to make sure that the services that the [refugee] individual needs...are provided and that other services which are not needed aren't provided.... You can't get federally funded services if the gatekeeper says no."

In other words, if a case manager decided, for example, that a refugee's English ability was sufficient to secure an entry-level job, then ESL training would not be available to the refugee, at least for the first year in the United States. The same would hold true for other services, including public assistance.

If case management is mandated, another question arises: who is to do it? "It is our firm conviction that the case management functions should be allocated to the voluntary agencies at least on a right of first refusal," said Donald Hammond, director of World Relief, speaking to the House refugee subcommittee on behalf of InterAction's Committee on Migration and Refugee Affairs.

"This does not suggest that other service providers--private or public--are any less qualified," said Hammond. "Instead this conviction is based on the ability and commitment of the voluntary agencies to commit significant private resources over a long period of time and the need to insure that the goals and objectives are consistently followed from the beginning."

**MAAs and States Have Other Views** But the issue of case management, at least as it is being cast by the voluntary agencies, raises fundamental questions about control among some representatives of the refugee community. "I sense a tension and a lack of cohesion," on the issue of case management, noted Rep. Romano L. Mazzoli (D-Ky.), chairman of the House subcommittee on refugees and immigrants, referring to his panel of private witnesses comprising voluntary agencies and refugee MAAs.

"There is a need to centralize the system," said Dr. Tsehaye Teferra, director of the Ethiopian Community Development Council. "I have no disagreement with that. But we need to proceed with caution.... The MAAs and community-based organizations have a concern that they should not be excluded from that process."

Any legislative language on case management, suggested Le Xuan Khoa, president of the Indochina Resource Action Center (IRAC), "should recognize a role for MAAs as full partners in case management and other service areas."

Khoa also recommended that a "local advisory structure" be established that could "oversee both the decision-making process and implementation of the case-management system, and--if needed--can advocate on behalf of refugee families who seek redress."

The states also have their own views on case management. "One size doesn't fit all. It's simply not true that everyone needs case management," said Ron Spendal, refugee state coordinator for Oregon. "Volags play the role of 'gatekeeper' in our case management system because we wanted continuity with the R & P services. But Florida doesn't fund it at all, and Washington has a state-administered case management program."

**More of a Stake, Say the MAAs** The Refugee Act of 1980 prescribed a number of activities, agencies, and players in refugee resettlement, according to Vu Duc Vuong, executive director of the Center for Southeast Asian Refugee Resettlement in San Francisco. "Among these named players," Vuong said, "one finds the various levels of government and the voluntary agencies, but not the refugees or refugee-based agencies."

The Refugee Act should be revised, Vuong told the Senate subcommittee, to promote self-sufficiency not just on the part of refugee individuals but refugee communities as well. "It should become a priority, therefore, for the resettlement program to promote the development of organizations based in the new communities.

"This means that, all other things being equal, ORR should give precedence to community-based organizations in funding discretionary programs, and states should be required to do likewise," Vuong told Refugee Reports. "Obviously, MAAs would have to demonstrate performance capacity just like everyone else and be subject to ORR monitoring."

**Other Ideas for Change Include Separation of Cash/Medical Assistance** Numerous private witnesses at both the House and Senate hearings joined in what Mazzoli called a "steady drumbeat" of recommendations that medical assistance to refugees should be separated from eligibility for cash assistance.

"Concern about loss of medical coverage has been a major barrier to refugees accepting or being referred to employment," said Susan Forbes Martin, senior associate for the Refugee Policy Group. "Further, a major constraint in implementing new cash assistance approaches, particularly those involving private agencies, has been the fear of incurring large medical costs if refugees require treatment and are not eligible for Medicaid or other health insurance."

The U.S. Catholic Conference/Migration and Refugee Services (USCC/MRS) recommended that refugees who have been in the United States for less than one year should be eligible for medical assistance, regardless of their employment status, so long as they meet certain income criteria.

In House testimony, MRS executive director, Rev. Richard Ryscavage, S.J., said Congress "should consider making refugees statutorily eligible for the regular Title XIX Medicaid program."

But statutory changes may not be necessary, Forbes Martin said. "The Refugee Act already provides language that would permit the Department of Health and Human Services to establish alternative eligibility requirements for medical assistance for refugees during their first 12 months in the country." Equity concerns, she suggested, have prompted federal officials not to invoke that provision.

ORR's Gersten declined to comment on the proposals to separate cash and medical assistance, saying that his office was still studying them.

Other recommendations on a list of what might be called perennial contenders included shifting the Office of the U.S. Coordinator for Refugee Affairs from the State Department to the White House, and upgrading the status of ORR, by moving it out of the Administration for Children and Families to a higher level within the HHS bureaucracy, possibly the Office of the Secretary.

**Two Pilot Proposals on Refugee Welfare Reform** The Congressional hearings on Refugee Act reauthorization generated a number of pilot proposals on reforming refugee welfare programs.

"We must restore the work incentive by allowing people on public assistance to work, full-time if possible, without losing all their benefits at once," said Vu Duc Vuong. "I propose that welfare grants be reduced by fifty cents for each dollar earned by the welfare client."

Vuong explained that in a household receiving $800 in welfare grants, when someone goes to work and earns a salary of $600, the grant would be reduced to $500. As salaries increased or as additional people in the household went to work, the combined salaries will exceed $1,600, thus making the initial cash grant of $800 obsolete.

Vuong suggested that the change be implemented "as a pilot program in just a few of the most welfare-dependent states. Should this concept prove to be adequate, it may be extended to public assistance as a whole."

If Vuong's model proposes to help refugees work their way out of the welfare system, other reform ideas want to keep them from landing there in the first place.

Ryscavage said, "The program we envision would provide income support, employment, and social and acculturation services, with expected results to include at least 75 percent of employable refugees in jobs within six months of their arrival and to be out of the local public assistance system."

Ryscavage suggested that through a combination of State Department and HHS/ORR funding, voluntary agencies in certain high-welfare communities would be provided an "Employment and Resettlement Grant (ERG)." He said, "Preliminary estimates suggest that a $1,500 grant would be required. This grant, coupled with availability of publicly funded medical coverage, would support resettlement and employment services for six months, without recourse to the refugee cash assistance program."

**One-Year, "Straight-Line" Authorization Likely This Year** Private witnesses at the House hearing were unanimous in their support for a one-year reauthorization of the Refugee Act without changes, but with the understanding that Congress would undertake a more systematic review in the second session of the 102nd Congress, which begins in January.

"We recognize that there are many interests involved in the program," said Ralston H. Deffenbaugh, Jr., executive director of the Lutheran Immigration and Refugee Service, "and a major statutory overhaul of the program may not be possible in the remaining weeks of the first session of the 102nd Congress."

But a "straight-line" reauthorization of the Refugee Act is needed, Deffenbaugh said, in order to demonstrate Congressional support for the refugee program and thus secure a restoration of the $117 million cut in the ORR budget voted by the House.

On June 26, the House passed the Labor, HHS, and Education appropriations bill (H.R. 2707), which would cut refugee cash and medical assistance funds in half for FY 92.

"The Committee's decision," said a House report accompanying the legislation, "is driven principally by the critical shortage of funds, particularly outlays, in FY 92." Another factor, the report said, was the fact that the Refugee Act has not been reauthorized since 1988 and that no authorization has passed the House during the current session of Congress.

"Should an authorization become law for 1992," the House report said, "the Committee will reconsider this recommendation" to phase out refugee cash and medical assistance programs.

The Senate Appropriations Committee has approved language in the Senate version of the Labor/HHS spending bill that would restore the $117 million to ORR on September 30, 1992, the very last day of the fiscal year. The bill is pending a vote in the full Senate.

# Recent Developments

### SALVADORAN TPS REGISTRATION EXTENDED

Although Salvadorans won a major victory on July 2, when President Bush signed into law a last-minute measure to extend by four months the registration period for temporary protected status (TPS), the celebration had barely quieted when a renewed controversy erupted over fee waivers for indigent applicants.

The extension of the registration period for Salvadorans until October 31 resulted from a hard-fought lobbying effort on the part of many organizations working with Central Americans and key members of Congress (see Refugee Reports, Vol. XII, Nos. 1, 2, 5, and 6).

On July 17, the Immigration and Naturalization Service (INS) published an interim regulation in the Federal Register, effective immediately, requiring that Salvadorans wanting to waive the TPS registration fees on poverty grounds would be required to submit an affidavit detailing income, assets, and expenditures for the three months prior to applying for the waiver. The affidavits also require applicants to provide additional information, such as the names, ages, addresses, and incomes of dependents, and give INS adjudicating officers the option of asking for pay stubs, W-2 forms, letters from employers, and proof of filing of local, state, or federal income tax returns.

"The regulation is harsh, unreasonable, and certain to dissuade Salvadorans from seeking fee waivers," said Angela Kelley of the National Immigration, Refugee, and Citizenship Forum, who has been coordinating comments from refugee advocacy groups to the interim rule.

The San Francisco Lawyers' Committee has sought a temporary restraining order against the regulation. Earlier, that group had won a court order in California to prevent the INS from denying fee waivers to Salvadorans whose income was below federal poverty guidelines (see Refugee Reports, Vol. XII, Nos. 5 and 6).

Ironically, the INS cites evidence submitted by the plaintiffs in that case as the rationale for the new regulation, namely, that between 60 and 80 percent of all Salvadorans in the United States have incomes below the public welfare poverty guidelines. "The registration fee required from the remaining 20 to 40 percent of the Salvadoran nationals will not cover the program's administrative costs as mandated by...the Immigration Act of 1990," said the INS's background note on the interim rule.

"The INS argument is made in bad faith," said Kelley. "We estimate that only 2 to 3 percent of all applicants apply for fee waivers."

As of July 29, a total of 142,777 Salvadorans had registered for TPS with 84.3 percent of the total almost equally divided between the Western and Eastern INS regions.

## REFUGEE PROVISIONS IN THE FOREIGN OPERATIONS APPROPRIATIONS BILL (H.R. 2621)

*On June 19, the House of Representatives passed the foreign operations appropriations bill (H.R. 2621), which would provide $15.3 billion for foreign assistance, including the State Department's refugee programs, in FY 92. A Senate version of the bill is still pending.*

### MIGRATION AND REFUGEE ASSISTANCE

Appropriates $630,000,000 for Migration and Refugee Assistance in FY 92.

Earmarks: not less than $80,000,000 shall be available for Soviet, Eastern European, and other refugees resettling in Israel.

not less than $315,000,000 shall be available for overseas refugee programs.

not less than $1,500,000 shall be available for Tibetan refugees.

not less than $1,500,000 shall be available for voluntary repatriation of Hmong refugees from Thailand to Laos through nongovernmental organizations.

not more than $11,000,000 shall be available for administrative expenses of the Bureau for Refugee Programs in the State Department.

*Report Language*: "The Committee has been concerned for some time with the chronic underfunding of this account by the Administration.... The budget request for FY 92 substantially underestimates refugee problems and the Committee believes it is prudent to address the problem at this time, rather than in another supplemental."

*Overseas Aid*: "The Committee believes that $315,000,000 for refuge programs overseas is the minimum necessary to sustain basic life-support systems in refugee camps and settlements around the world.... The Administration's request of $233,400,000 to assist refugees overseas is based on an estimated population of 15 million refugees worldwide in late 1990. In fact, that was a low estimate."

*Israel*: "More than 180,000 Soviet Jews came to Israel in 1990--35,000 in the month of December alone.... Even during and after the recent war in the Persian Gulf, emigration has continued at levels that will result in at least another 100,000 arrivals this year.... Recently, almost 18,000 Ethiopians were air-lifted to Israel in a three day period."

*Hmong*: "The Committee remains concerned about the forced return from Thailand to Laos of Hmong and other highlander asylum seekers who are screened out..., [but] for some refugees, voluntary repatriation may be the best solution to their situation.... Refugee groups have indicated that a major constraint is the lack of monitoring and reintegration support presently available."

*Tibetans*: "China continues to repress the Tibetan people.... Refugees continue to flee Tibet in order to seek resettlement in India. They are assisted by the Central Tibetan Administration (CTA), under the leadership of the Dalai Lama.."

*Unaccompanied Children*: "The Committee supports efforts by the UN High Commissioner for Refugees to improve protection, supervision and treatment of unaccompanied minors awaiting processing by the Special Committees established under the 1989 Comprehensive Plan of Action."

### EMERGENCY REFUGEE AND MIGRATION ASSISTANCE (ERMA) FUND

Appropriates $50,000,000 to remain available until expended.

*Report Language*: "The authorization bill for funds for Iraqi refugees increased the authorization level of the [ERMA] Fund to $75,000,000 [from $50,000,000]. The funding in this bill reflects both the higher funding authorization for this account, and the need to be prepared to address additional needs in Africa, the Persian Gulf and other regions."

### ASSISTANCE FOR BURMESE STUDENTS

Earmarks not less than $1,000,000 from the Agency for International Development for assistance to displaced Burmese students.

## U.S. TO REVIEW ADMISSIONS POLICY REGARDING ETHIOPIANS

In an indication that the political changes taking place in Ethiopia will result in changes in U.S. admissions policy regarding Ethiopian refugees, a recent U.S. State Department telex said, "After the situation clarifies inside Ethiopia, presumably in the next 6 months, DOS [the State Department] will review the entire Ethiopian admissions program."

Already, the United States is not accepting applications for resettlement from Ethiopians who arrived in countries of first asylum after May 28, 1991, the date of the fall of the government of Mengistu Haile Mariam. The State Department telex stated that many Ethiopians who left their country after the Mengistu regime's fall were associated with the Mengistu government or military and thus "could likely be found ineligible for resettlement in the U.S. because of a previous history of persecution of others." The telex added, "Refugee processing posts can continue to accept and process applications from those Ethiopians who arrived in first asylum countries prior to the May 28 cutoff date under current processing priorities and guidelines."

Commenting on these new developments, Dr. Tsehaye Teferra, executive director of the Ethiopian Community Development Council, told Refugee Reports, "If things in Ethiopia stay calm, if there are no human rights violations, and if the policies that drove people to flee are removed, we are willing to accept the fact that there may not be a need for resettlement in the future."

"However," Dr. Teferra added, "The question now is, 'Have we reached that stage yet?' There is still uncertainty about how events will turn out. That's what's on people's minds."

**Current Emphasis is on Departure of Those Already Approved** According to Faye Richardson of the International Rescue Committee (IRC), which operates the Joint Voluntary Agencies (JVA)/U.S. Refugee Resettlement Office (USRRO) in Khartoum, Sudan, the USRRO's current priority is to complete the processing of Ethiopians already approved for departure by the INS. Richardson told Refugee Reports, "Because the State Department is eager to fill the Africa admissions numbers allocated for FY 91, USRRO is concentrating its efforts on getting those approved for departure to the United States." They include two groups: some 900 whom INS had approved before USRRO staff were temporarily evacuated from Sudan in January in the wake of the Gulf war; and more than 900 others who were approved when INS made an adjudication visit to Khartoum in early June. IRC hopes that most in the first group and at least some from the second group will depart for the United States by the end of FY 91. According to Richardson, in October, at the start of FY 92, "USRRO will resume full processing activities in Khartoum. Applications currently on file will be completed for presentation to INS and new applications for refugees who were in Sudan prior to the May 28 cutoff will also be accepted."

**Potential for Repatriation** The changes in Ethiopia have also prompted discussion in many circles regarding the potential for repatriation among Ethiopian refugees. On July 15, the UN High Commissioner for Refugees (UNHCR) signed a tripartite agreement with the governments of Ethiopia and Sudan that provides for the repatriation of some 50,000 Ethiopians, mostly former soldiers, who fled to Sudan following the fall of the Mengistu government and the capture of the Eritrean capital, Asmara (where many of the soldiers were based), by the forces of the Eritrean People's Liberation Front (EPLF). But the recent agreement sets the stage for discussion regarding the future repatriation of many of the estimated 700,000 Ethiopian refugees in Sudan--most of whom fled there during the Mengistu regime's rule.

A U.S. State Department source told Refugee Reports, "There is a good chance that people who left Ethiopia just to get out of the way of the fighting will go back in the course of the next year or two. A few thousand have gone back [from Sudan] already, and others have approached UNHCR regarding repatriation. Other more political or urban refugees (especially those with jobs in Sudan) will probably want to see not only how the political situation will unfold, but also what economic prospects they would have." The State Department source added, "There are some refugees, such as supporters of the Eritrean

Liberation Front (ELF) [an Eritrean faction from which the EPLF split off some years ago], who are unlikely to repatriate. Everyone agrees that there will be a need for continued asylum in Sudan."

**U.S. Group Returning to Eritrea** On July 30, a group of 360 Eritreans were scheduled to depart the United States on a charter flight bound for Asmara. Many of those on board are planning to visit relatives who they haven't seen in years or even decades, but some are planning to remain in Eritrea. (The EPLF has set up an administration in Asmara separate from the new Ethiopian government. Addis Ababa has agreed to abide by the results of a referendum on independence to be scheduled in Eritrea.) Those leaving on the U.S. charter flight, dubbed the "freedom charter," are the second group to return to Eritrea from outside Africa. A group of 72 Eritreans, mostly from Germany and the Netherlands, arrived in Asmara on July 10.

## CUBAN ARRIVALS SURGE, U.S. HALTS NEW VISA APPLICATIONS

The apparent teetering of the Cuban regime, combined with its continuing repression and a dismal economy, have contributed to a dramatic surge in the numbers of Cuban arrivals in Florida. While the Cuban community and social service providers are gearing up to cope with the increased numbers, concerns are being raised that this could be a harbinger of an even more massive exodus--comparable to the Mariel boatlift of 1980--and the U.S. government has begun to take steps to stem the flow.

The most captivating of the new arrivals are the "*lancheros,*" those who journey by boat and raft. As of July 29, a total of 1,307 *lancheros* have arrived this year, more than double the 467 Cuban arrivals for all of 1990. As many as half of the *lancheros* are lost at sea, according to groups monitoring raft and boat activity in the Florida Straits. The overwhelming majority of the survivors don't actually land on U.S. shores themselves, but rather are rescued at sea and admitted under humanitarian parole.

Less captivating, perhaps, but more dramatic in terms of numbers, are the 200 Cubans per day who arrive at Miami International Airport, mostly with tourist visas, on charter flights. Under the terms of the Cuban Adjustment Act of 1966, those who remain in the United States for a year may apply for permanent resident status. This includes *lancheros,* who are generally granted humanitarian parole, as well as those who overstay their visas.

U.S. Department of Transportation statistics show that 40 percent of the 14,674 Cubans who arrived on chartered airplanes in 1990 did not return to Cuba, according to the July 9 Miami Herald.

By the end of July, the number of nonimmigrant visa applicants had reached the breaking point. The reason for the increase is attributed to the Cuban government's recent lowering of age restrictions on exit permits to 35 for men and 30 for women (from 65 and 60, respectively). Cuba is also profiting from the exodus by charging about $1,000 per application, which a U.S. State Department spokesperson has characterized as "a big-time extortion racket."

During the first seven months of FY 91, 32,000 visas were granted by the U.S. Interests Section in Havana. By July 29, when the backlog of visa applications had reached 28,000, the Interests Section suspended processing of new applications.

**Relatively Modest Official Refugee Admissions** By comparison to the tourist and raft arrivals, the 3,000 Cubans who could be admitted this fiscal year as part of the government-sponsored refugee resettlement program represent a relatively modest number. This program, under which 1,070 have been admitted through the first eight months of FY 91, is reserved for exceptional cases, such as long-term political prisoners, political and religious dissidents, and former U.S. government employees.

Another 3,000 Cuban refugees could be admitted this year through the sponsorship of the Cuban American National Foundation (CANF). As of the end of May, 1,734 had been admitted through CANF in FY 91. Since it entered into a Private Sector Initiative (PSI) agreement with the State Department in 1988 (see Refugee Reports, Vol. IX, No. 8), CANF has sponsored 6,982 refugees.

Regular immigration channels from Cuba have been slow. For years, immigration was the victim of the continuing stand-off between the U.S. and Cuban governments on the return of excludable persons from the Mariel boatlift (see Refugee Reports, Vol. XI, No. 6). Now the problem is more often attributed to the paucity of petitions filed by U.S. citizen relatives. In the first half of FY 91, only 932 immigrant visas have been issued, compared to 2,186 for all of FY 90.

At a Congressional hearing in June, Michael G. Kozak of the State Department discouraged speculation about another Mariel-style boatlift, but said, "We will not permit it to happen. Castro knows this.... I would urge all concerned to counsel those in this country who understandably seek the freedom of their friends and relatives to follow legal procedures and not to fall into tacit collaboration with the Castro regime."

Kozak's concerns are echoed on the local level. Miami City Manager Cesar Odio told the Miami Herald, "We cannot tolerate another large boatlift. We're the ones who receive a direct impact. I'm all for family reunification, but it should be done in an orderly manner."

Odio has also expressed concern about the differential treatment of Haitians and Cubans, a source of controversy in ethnically and racially polarized Miami. "Once Haitians get here, they should be treated the same," he said. "They don't need a detention center. They should release them to their relatives and put them through the processing."

## SITUATION IMPROVES IN SAFE HAVEN REGION OF IRAQ, BUT FAMINE THREATENS OTHER PARTS

A UN mission to Iraq warns that "the rapidly deteriorating food supply situation has brought the Iraqi people to the brink of famine." Yet the same assessment team suggests that the areas of the northwest near the Turkish border previously occupied by Allied forces have almost returned to normal. In the meantime, U.S. government funding for humanitarian intervention has remained almost exclusively centered on that area.

A high-level United Nations interagency mission led by the Secretary General's executive delegate, Prince Sadruddin Aga Khan, found that "the Iraqi population is fast approaching the threshold of extreme deprivation" if the food supply remains at current levels.

Not surprisingly, the highest prevalence of malnutrition was found among children, pregnant and lactating mothers, and households headed by widows. The mission estimated that 2.5 million Iraqis are cut off from adequate water supplies, and noted a "drastic increase" in disease due to the breakdown in sanitation.

**Regional Variations in Vulnerability** The mission found "considerable differences" among regions in Iraq (it visited 16 of Iraq's 18 provinces). In the northwest, near the Turkish border where nearly all the refugees have returned, the mission observed availability of food at reasonable prices and the reopening of hospitals, and termed the conditions "near-normal."

Along the Iranian border, however, the agency saw a "steady daily flow of refugees back home" and noted their "uncertainty with regard to the duration for assistance for those who have settled in tents and other temporary structures on the ruins of their demolished villages."

The UN High Commissioner for Refugees (UNHCR) reports that it has now shifted its primary focus to this area, and estimates that more than 550,000 returnees there remain displaced and in critical need of winter shelter.

Although refugees have been returning from Iran at a rate of about 30,000 per week until fighting resumed in late July (the camp population within Iran was down from more than a million in April to 218,514, as of July 18), most of the returnees have remained within a 30-mile strip along the border in areas controlled by the Kurdish *peshmerga* guerrillas. It is an area of rubble and destruction, having been the target of a pre-war Iraqi strategy of razing Kurdish villages and removing their inhabitants from the frontier regions.

The UN mission observed that the reintegration of the returnees from Iran will depend on the "re-establishment of the food distribution network in settlements which no longer exist." •

In the southeast, 30,000 to 100,000 Shi'a Muslims displaced from their failed uprising have been trapped in a swampy area to the north of Basra. On July 11, Iraqi authorities prevented a joint UNHCR/UNICEF mission with three trucks of food and medical supplies from reaching them.

The UN assessment team found the internally displaced in the south to be outside the country's rationing and distribution network. "Pending the return to a normal marketing and distribution network which can guarantee access to food at reasonable prices to all, international food assistance will have to remain the cornerstone of the United Nations program in Iraq."

**International and U.S. Funding Inadequate and Uneven** Despite the need for international assistance, funding has lagged. Although the UN's most recent consolidated appeal is for $460 million, only $220 million has been pledged.

The lead UN agency in the region, UNHCR, reported on July 15 that it had received $169 million in contributions for the Gulf emergency out of a request for $267.7 million. U.S. government donations to UNHCR for this appeal totaled $12.5 million, or 7.4 percent. The total U.S. contribution for UNHCR's Gulf emergency operations stands at $25 million, including this latest contribution.

The U.S. government's bilateral initiatives have been almost exclusively directed to northwestern Iraq and Turkey, such as the $15.1 million contributed by the Agency for International Development's Office of Foreign Disaster Assistance (OFDA). In fact, a May 4 State Department cable recommended that private voluntary agencies with OFDA contracts limit their activities to "within ten miles of the Turkish-Iraqi border and/or in those areas secured by U.S. forces."

Mary Johnson of CARE, which received a $821,340 grant from OFDA for emergency food distribution in the north, told Refugee Reports that although the possibility of working in the south had been discussed, thus far CARE's efforts have been focused on taking over the World Food Program/OFDA feeding program in the north after the withdrawal of U.S. military forces.

Robert DeVecchi, executive director of the International Rescue Committee (IRC), which received a $1.3 million grant from OFDA to implement a public health and sanitation project in northern Iraq, said that his organization is now assessing the situation as far east as Suleimaniyah and that the Iraqi Ministry of Health has been amenable to IRC public health initiatives there.

Catholic Relief Services (CRS), which has spent $10 million of its own resources in Iraq, submitted a $4.7 million proposal to OFDA on May 7 to distribute food and medicine throughout the country, but, as of July 25, was still waiting to sign the agreement.

Dennis King, information specialist for OFDA, told Refugee Reports that the CRS proposal has been approved, but that the final amount is still being negotiated. He said, "We will have lots of stipulations for monitoring accountability."

---

# Update

- A recently opened U.S. Refugee Resettlement Office (USRRO) in Freetown, Sierra Leone, has begun processing Liberian refugees. As in Sudan, the USRRO carries out Joint Voluntary Agency (JVA) functions. The International Rescue Committee (IRC) is the JVA operating the USRRO in Freetown, which processes Liberian refugees not only in Sierra Leone, but also in countries throughout the region where Liberian refugees are located, specifically Cote d'Ivoire, Guinea, Nigeria, and Ghana. INS circuit riders will also adjudicate cases in those countries.

  Refugees are referred to the USRRO by the UN High Commissioner for Refugees (UNHCR). As of July 19, the office had opened files on 328 persons in Sierra Leone (151 cases). On July 23, UNHCR referred another 283 persons.

- More than 900 Salvadoran refugees repatriated from Nicaragua and Panama between January and March. According to the June 1991 Central America Report, the Salvadorans faced numerous obstacles in the process. "The refugees from Nicaragua... continued to face delaying tactics from the Salvadoran government. Repeated demonstrations at the Salvadoran consulate in Nicaragua and the local office of the United

Nations High Commissioner for Refugees failed to budge Salvadoran officials." Eventually, the Salvadoran government agreed to the refugees' repatriation. According to Central America Report, the number of Salvadorans living in Nicaragua has dropped from 20,000 to 4,000.

# Meetings and Conferences

**MENTAL HEALTH/COMMUNICATION TRAINING FOR BILINGUAL WORKERS**

The Spring Institute will hold the first week of a two-week "Mental Health/Cross-Cultural Intensive Training" for bilingual workers in Boulder, Colorado, September 20-24. For further information contact Myrna Ann Adkins (303) 571-5008.

**REFUGEE HEALTH IN THE 1990s**

The Wisconsin and Minnesota refugee health programs are co-sponsoring a conference on "Refugee Health in the 1990s: Models for Providing Culturally Sensitive Care," to be held in Madison, Wisconsin, on Friday, September 27. Among topics to be addressed at the conference are acculturation, cultural sensitivity, national refugee health policy and funding, and Vietnamese and Soviet health care systems. For further information, contact Marjorie Hurie, Refugee and Immigrant Health Program, Div. of Health, 1 W. Wilson Street, Box 309, Madison, WI 53701. (608) 266-9452.

**TRAINING IN MULTICULTURALISM**

The International Counseling Center, in cooperation with George Washington University, is sponsoring a personal and professional training program in multiculturalism. The training program, to be held in Washington, D.C., will be in two sessions, October 17-20, and February 13-16, 1992. There will be special tracks in cross-cultural counseling, workplace diversity, and cross-cultural conflict resolution. Early registration is recommended.

For further information, contact the International Counseling Center, 3000 Connecticut Ave. NW, Suite 138, Washington, DC 20008. (202) 483-0700.

**IMMIGRANT AND REFUGEE WOMEN**

A national conference on immigrant and refugee women, Dreams Lost, Dreams Found: Women Organizing for Justice, is to be held on October 5-7 in Berkeley, California. Conference organizers say that "women are fast becoming the majority of the immigrant and refugee population in the United States, yet their particular situations remain unknown, their service and advocacy needs unmet."

For further information, write: Conference on Immigrant and Refugee Women, 995 Market Street #1108, San Francisco, CA 94103, or call the Coalition for Immigrant and Refugee Rights and Services. (415) 243-8215.

# Job Board

**Executive Director** El Rescate, one of the largest U.S. providers of legal and social services to Central American refugees is seeking an executive director to administer three projects (Human Rights, Legal Services, and Social Services) and be primarily responsible for fundraising and outreach. Qualifications needed include experience in managing and fundraising for a nonprofit organization, knowledge of Central America, and fluency in English and Spanish.
**Contact:** Niels Frenzen, Search Committee, 3535 W. 6 Street, Suite 100, Los Angeles, CA 90020. (213) 385-2977.

**Staff Attorney** The Central American Refugee Center (CARECEN) in Houston, Texas, seeks a staff attorney who has been admitted to a state bar and is fluent in Spanish. Responsibilities include representing persons in deportation proceedings, preparing applications for political asylum, and representing asylum applicants before the INS and the immigration court.
**Contact:** Thomas S. Goldsbury, Director, CARECEN/Houston, 4001 Caroline, Houston, TX 77004. (713) 522-3611.

**Asylum Officers** The U.S. Immigration and Naturalization Service (INS) is seeking applicants to fill as many as 70 new asylum adjudication positions, if funding becomes available. Asylum offices are located in Newark, NJ, Arlington, VA, Miami, FL, Chicago, IL, Houston, TX, Los Angeles, CA, San Diego, CA, and San Francisco, CA. Prospective applicants should send a resume and a letter indicating the office in which they would like to work. **Contact:** Gregg Beyer, Director of Asylum, Office of Refugees, Asylum, and Parole, INS, 425 Eye St., NW, Room 1218, Washington, DC 20536. No phone calls, please.

**National Action Unit Director** Amnesty International USA seeks a National Action Unit Director, based in Chicago, to oversee the planning, management, and coordination of the refugee, death penalty, outreach, and coordination group programs. International law and grassroots organizing a plus. Experience in program management, staff supervision, and computer literacy essential. Salary mid/upper 40s. **Contact:** Send resume and cover letter to AIUSA, Box JOB-6, 53 West Jackson, Suite 1162, Chicago, IL 60604. No calls. Application deadline is August 25.

## Current Research

### STUDY MARKS UNHCR'S FORTIETH ANNIVERSARY

July 28 marked the 40th anniversary of the adoption of the UN Convention Relating to the Status of Refugees. On this occasion, the Lawyers Committee for Human Rights has issued a report that warns, "There has been an alarming loss of respect for the 1951 Convention. Governments are exploiting the Convention's ambiguous terminology to carve out new unprotected categories of asylum seekers and justify the rejection of refugee status."

The 156-page report, The UNHCR at 40: Refugee Protection at the Crossroads, charges that the UN High Commissioner for Refugees (UNHCR) "is in the throes of a serious institutional crisis." For the first time in its 40-year history, in 1989, donor governments refused to approve UNHCR's budget. "Under the guise of reform," the report charges, "[governments] have mounted a crude attempt to wrest control of funding, and imposed arbitrary cuts on staffing and budget that have caused serious damage."

Although the number and severity of refugee movements continued to rise throughout the 1980s, UNHCR was forced to cut its programs by 25 percent in 1989. "The impact," says the report, written by Iain Guest, "has been devastating."

The concern of the governments that fund UNHCR has increasingly focused on keeping out asylum seekers arriving at their own doors, and the report suggests that UNHCR has found itself being asked to provide "migration control assistance" to governments.

According to the report, UNHCR is a house divided. "One faction that is now represented by Jonas Widgren, coordinator of the UNHCR's informal European consultations, argues that the UNHCR may disregard government concerns only at its own peril. The other faction, represented by the protection division under the direction of Michel Moussalli, fears that Widgren's course will shift the UNHCR from a human rights to a law enforcement perspective."

UNHCR teeters into its fifth decade with an unsure sense of its mission and unsteady support from donor governments. In 1990, the High Commissioner was informed that henceforth UNHCR would have to tailor its spending to available funding, as opposed to need. Although agreeing to a budget $150 million short of projected needs, donor governments still failed to provide the money.

"In short," says the report, "after undergoing drastic surgery, the UNHCR may be sicker than ever. The fear must be that like so many efforts by governments to 'reform' the UN during the 1980s, the structuring of the UNHCR has absorbed much time and money, but not achieved a cure. In addition, however mistaken it may be, the notion appears to be implanted that cutting budgets and reducing staff inevitably improves efficiency."

The UNHCR at 40 is available for $10 from the Lawyers Committee for Human Rights, 330 Seventh Avenue, 10th floor, New York, NY 10001. (212) 629-6170.

## Office of Refugee Resettlement
## BUDGET/ADMISSIONS

| Fiscal Year | Appropriations (in millions) | Admissions (Actual) | Admissions Ceiling |
|---|---|---|---|
| 1980 | $517 | 207,116 | 231,000 |
| 1981 | $902 | 159,252 | 217,000 |
| 1982 | $690 | 97,355 | 140,000 |
| 1983 | $585 | 61,681 | 90,000 |
| 1984 | $542 | 71,113 | 72,000 |
| 1985 | $444 | 68,045 | 70,000 |
| 1986 | $409 | 62,440 | 67,000 |
| 1987 | $340 | 64,828 | 70,000<br>(includes 4,000 privately funded) |
| 1988 | $347 | 75,754 | 87,500<br>(includes 4,000 privately funded) |
| 1989 | $382 | 106,902 | 116,500<br>(includes 4,000 privately funded) |
| 1990 | $390 | 122,461 | 125,000<br>(includes 14,000 privately funded) |
| 1991 | $411 | | 131,000<br>(includes 10,000 privately funded) |

Source: Office of Refugee Resettlement, Department of Health and Human Services

*REFUGEE REPORTS* is published monthly for $37.50 per year for one subscription, $25.00 each for two or more subscriptions to the same addressee, or $25.00 each for ten or more subscriptions requested at the same time, mailed to separate addresses; overseas postage is an additional $24.00 for second class or an additional $75.00 for airmail; by ACNS, 95 Madison Avenue, Third Floor, New York, NY 10016. Second Class Postage paid at New York and additional mailing offices. POSTMASTER: send address changes to *Refugee Reports*, Sunbelt Fulfillment Services, P.O. Box 41094, Nashville, TN 37204.

Editorial comments and inquiries should be sent to : *Refugee Reports*, 1025 Vermont Avenue NW, Suite 920, Washington, DC 20005. All communications regarding subscriptions should be sent to: *Refugee Reports* Subscriptions, Sunbelt Fulfillment Services, P.O. Box 41094, Nashville, TN 37204. (615) 377-3322.

Basic subscription rate for 12 issues per year: $37.50; Multiple-copy rate: $25.00; Single copies of back issues: $4.00
Co-Editors: Bill Frelick and Virginia Hamilton; Staff Writers: Court Robinson and Hiram A. Ruiz
Distribution Manager: Carolyn Moore; Production Coordinator: Koula Papanicolas
© 1991 American Council for Nationalities Service. Rights of reproduction and redistribution reserved. ISSN 0884-3554

# Refugee Reports

**A News Service of the U.S. Committee for**
**Refugees, a Project of the American**
**Council for Nationalities Service**
**Sunbelt Fulfillment Services**
**P.O. Box 41094**
**Nashville, TN 37204**

**Address Correction Requested**
**Return Postage Guaranteed**

20814KIANKE004 JAN92 26000
ED KIANKA ACQUISITIONS EDTRR
CONGRESSIONAL INFORMATION SER
4520 EAST-WEST HWY STE 800
BETHESDA MD 20814

R9372-2

# Refugee Reports

**A News Service of the U.S. Committee for Refugees**
**1025 Vermont Avenue NW, Suite 920 Washington, DC 20005 (202) 347-3507**

**Volume XII, Number 8** **August 30, 1991**

## OREGON'S REFUGEE EARLY EMPLOYMENT PROJECT (REEP) ADJUSTS TO CHANGE

They had arrived just one week before from the city of Odessa in the Ukraine, and the newness of it all still flushed their cheeks. Pavel Krivolenkov and his wife, Vera--Christian Pentecostals who had fled religious persecution in the Soviet Union along with their three children--sat quietly across the table from their caseworker as he painstakingly introduced them to refugee services in Portland, Oregon. If their initiation into this arcane world filled with intake interviews, assessments, and action plans was baffling, they showed no sign of it.

"My mother was shot for religious reasons and my father was sent to prison," said the 56-year-old Pavel through an interpreter, "and I was sent to prison for 12 years myself. I am just excited to be here and willing to do anything. It hasn't dawned on me yet to be nervous."

For the refugee services community in Oregon, Pavel and Vera represent the new face of resettlement. From 1975 to 1987, Indochinese refugees comprised better than 80 percent of Oregon's caseload. The pattern began to shift in 1988 with the influx of increasing numbers of Soviet Pentecostals. For the last three years running, Soviet arrivals have predominated, averaging about 65 percent of the annual state caseload.

But along with all of the new faces coming into the state, Oregon continued to see many old ones. Since 1985, Southeast Asian refugee arrivals have remained fairly stable, averaging about 625 per year.

As Soviet Pentecostal admissions surged in 1989 and 1990, then, so too did Oregon's overall refugee numbers. In FY 90, the state admitted 2,350 refugees, three times the number it had resettled in 1987, and the highest annual figure in nearly a decade.

While the last five years have brought dramatic change to the Oregon refugee program, some of it disruptive and painful, local service providers and community leaders also speak of an abiding cohesion and continuity, which they attribute in large measure to the statewide Refugee Early Employment Project, or REEP for short.

## IN THIS ISSUE:

Court Robinson, just back from Oregon, examines that state's Refugee Early Employment Project (REEP). In the face of substantive changes in the national and local resettlement picture, REEP has both adapted and held its ground .......................... 1

- **Update** ...................... 6

- **Recent Developments**

Senate supports nearly $960 million for INS ...................................... 5
UNHCR seeks funds to expand repatriation to Laos .................... 9

- **Current Research**

Soviet Processing: A first-hand account from Moscow ................ 10
Two reports issued on repatriation to Laos .................................. 12

- **Meetings and Conferences**

- **Resources**

Reports document abuses at Krome .................................. 14

- **Statistics**

Asylum cases filed with INS, 1980-1991 ...................................... 16

**Oregon Has a History of Cooperation** Born on September 15, 1985, Oregon's REEP program is a demonstration project provided for by the Fish-Wilson amendment to the Refugee Act of 1980. It permits the Secretary of Health and Human Services to fund "alternative projects" to deliver refugee cash and medical assistance.

Under these Fish-Wilson projects, "refugees are provided interim support, medical services, support services, and case-management, as needed, in a manner that encourages self-sufficiency, reduces welfare dependency, and fosters greater coordination among resettlement agencies and service providers."

The Fish-Wilson amendment also requires that these alternative demonstration projects be "budget neutral," that is, they cannot cost any more than a given state or locale would otherwise spend for refugee public assistance and administration.

According to an FY 90 annual report from the Oregon state refugee program, the state coordinator in 1985, Jerry Burns, "was quick to see that Portland had the necessary requisites to be able to put together a demonstration project." A refugee services consortium that had been active in the state since 1980 included six voluntary resettlement agencies, Portland public schools and community colleges, and two refugee mutual assistance associations (MAAs).

By the time the grant proposal was submitted to the Office of Refugee Resettlement (ORR), several volags had closed their offices in Oregon, leaving only Catholic Community Services of Portland, Lutheran Family Services, and Ecumenical Ministries of Oregon, an affiliate of Church World Service. The two MAAs had merged to form the International Refugee Center of Oregon (IRCO).

The objectives of REEP are three-fold: (1) to promote early employment for employable refugees, (2) to increase the proportion of refugees who are economically self-sufficient, and (3) to accomplish the first two objectives at a net savings to the refugee resettlement program.

According to an evaluation of REEP conducted by the Refugee Policy Group (RPG) in August 1989, the demonstration project represents a fundamental refocus of the Oregon refugee assistance program. "Prior to REEP, the service system concentrated primarily on refugees approaching the end of their eligibility for cash assistance," the RPG study said. "As a result..., about 90 percent of the refugees in Oregon for 18 months or less were unemployed and were relying on cash assistance as their source of income."

REEP, on the other hand, "was to emphasize new arrivals," the RPG study said, through a "'front-loaded' service system which maintained a constant emphasis on early employment."

**REEP Has "Privatized" Refugee Cash and Medical Assistance** Using federal funds that would otherwise have been spent by the state welfare agency, REEP "has essentially privatized cash and medical assistance in Oregon," says state refugee coordinator Ron Spendal.

There are three key components to REEP--case management and cash assistance, medical care, and employment services--all of which are available for the first 12 months that a refugee is in the country.

"The primary point of contact for the newly arrived refugee," Spendal says, "is the voluntary resettlement agency." The three volags operating in Portland are responsible for providing cash assistance and case management.

"The volag meets the refugee at the airport and provides the initial reception and placement services," Spendal said. "It was only natural for us to build upon this bonding and structure ongoing case management services to be provided by the volags. In REEP, this also involves managing the cash assistance needs of the refugees. Cash assistance is not viewed as an entitlement, but rather as a salary for participation."

Following an initial intake interview with a volag caseworker, usually within one week of arrival, refugees are referred to Multicare's International Health Clinic for health screening and medical assistance. For the first 12 months, medical assistance is largely separated from cash assistance, so that refugees who find employment but do not exceed certain income standards can continue to receive free health care.

The International Refugee Center of Oregon is contracted to provide Pre-Employment Training (PET) and a range of other employment services. Once the four-to-six week course in pre-employment training is concluded, IRCO job developers start working to place refugees in jobs.

Just as there are rewards for participation in

REEP, so too there are penalties for nonparticipation. The volag case managers have the authority to cut off cash payments if a refugee fails repeatedly to abide by the agreed-upon resettlement plan.

"It is important for the refugees to realize that they are enrolling in a program, like they are enrolling in a school," says Gary Garner, director of Ecumenical Ministries of Oregon's SOAR (Sponsors Organized to Assist Refugees) program. "Flunking means rejecting a job, or not attending a training program. That's where the sanctions emerge."

**REEP Meets Two Out of Three Objectives** In its August 1989 evaluation, RPG concluded that "by and large, REEP was successful in helping refugees attain employment early in their resettlement experience. In contrast to the pre-REEP situation in Oregon..., the demonstration project reached its objective of placing at least 75 percent of employable refugees in permanent, full-time employment within 18 months of their arrival."

REEP was not as successful, RPG found, in meeting its objectives on self-sufficiency. While the program goal was for 63 percent of all participants to graduate from REEP because family earnings would exceed the program's income standards, only 30 percent actually accomplished this. The majority lost eligibility because of time-expiration or they left the Portland area.

"The REEP experience indicates then that early employment does not translate into immediate self-sufficiency," RPG said, especially for larger families, but noted "cause for some optimism." First, wage levels appeared to be rising, and second, REEP's emphasis on the family unit rather than single wage earners "has led to increasing emphasis on multiple wage-earner strategies within refugee households."

As for cost savings, based on ORR projections of "budget neutral" costs, in its first five years REEP has resulted in savings of an average of $700,000 per year. What this means, Spendal says, is that "REEP can operate at 80 percent of the costs that would have existed in the absence of REEP."

**REEP Copes with New Circumstances** Following a visit to Oregon in March 1991, the Refugee Policy Group issued a second report reviewing the recent changes in Oregon resettlement patterns and their impact on REEP. "The system has shown itself highly adaptable to new circumstances," the report concluded. "Having experienced a major increase in caseload, changes in the composition of its client population, [and] reductions in the time period with which providers could work with clients..., REEP continues to function well and obtain good client outcomes in terms of early employment."

In the first three years of implementation (1985-1988), an average of 682 clients per fiscal year received REEP services. By FY 89, the number had increased to 1,366, and to 1,800 the following year.

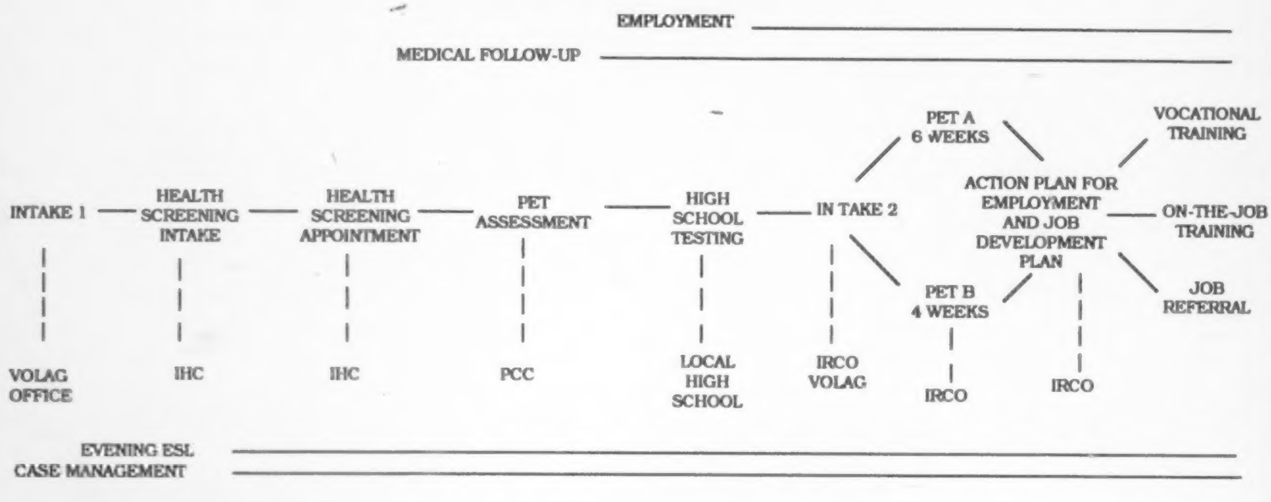
Along with this numerical increase in the client caseload, came substantial changes in nationality, language, culture, and family size. Soviet Pentecostals typically are Russian-speakers with blue-collar work backgrounds and very large families. "Caseworkers report that it is not unusual to see families in excess of 12 to 14 persons," the RPG report said.

The Soviets, moreover, use health services at a rate substantially higher than that of Southeast Asian refugees. Clinic manager for the International Health Clinic, Bruce Bliatout, offers several reasons for this. "Soviets, by and large, are older than the typical Indochinese case," he told Refugee Reports, "so we see more chronic illnesses like hypertension and high blood pressure." Also, "Asians are more passive and tend not to complain so much," Bliatout says, while "Soviets are more assertive."

Just at the point when Oregon began to experience the first wave of the Soviet Pentecostal migration in 1988, budget constraints forced ORR to reduce the period of eligibility for refugee cash assistance (RCA) from 18 months to 12 months. And since REEP cash assistance eligibility was linked to RCA guidelines, REEP was forced to adjust to the 12-month timetable.

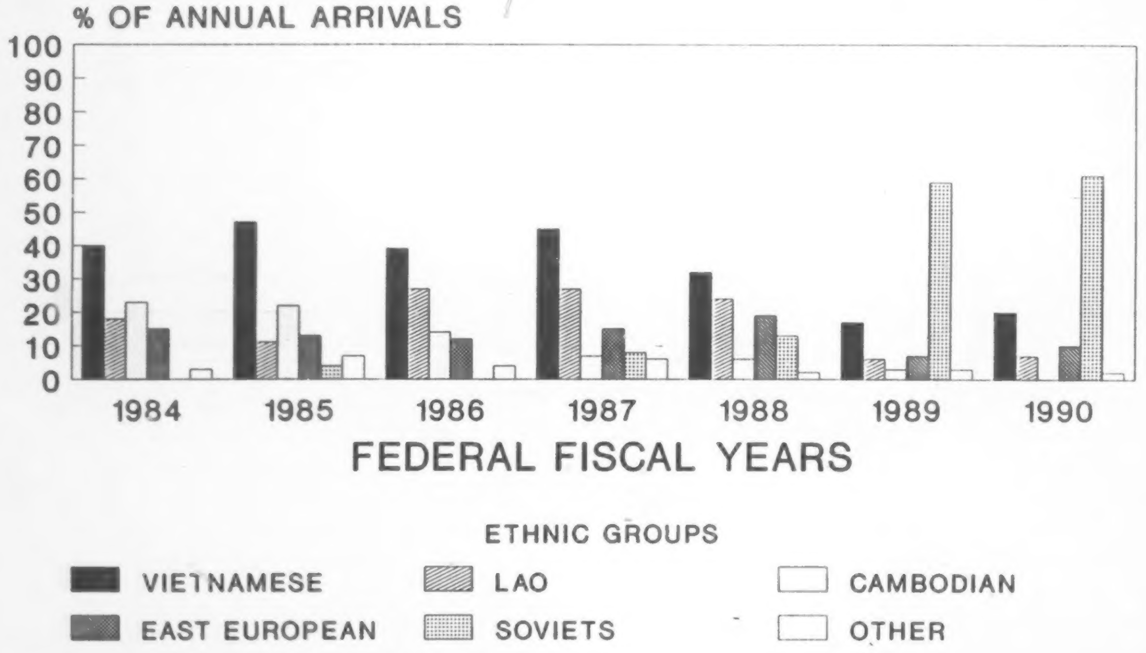
As service providers scrambled to serve a much larger caseload in a shorter period of time, temporary measures were adopted to economize. "Multicare, for example, began to do group orientations to the health care system," the RPG report noted. "Case managers in one agency no longer joined with job services workers for the second half of each family's intake into REEP, letting the job workers conduct the employment interviews on their own. This freed time for other activities but was recognized as a loss to the system, because the joint staffing had helped give the clients a single message from both case managers and job services."

**REFUGEE EARLY EMPLOYMENT PROJECT**
**ACTIVITY CHART**


EMPLOYMENT
MEDICAL FOLLOW-UP
INTAKE 1
HEALTH SCREENING INTAKE
HEALTH SCREENING APPOINTMENT
PET ASSESSMENT
HIGH SCHOOL TESTING
IN TAKE 2
PET A 6 WEEKS
PET B 4 WEEKS
ACTION PLAN FOR EMPLOYMENT AND JOB DEVELOPMENT PLAN
VOCATIONAL TRAINING
ON-THE-JOB TRAINING
JOB REFERRAL
VOLAG OFFICE
IHC
IHC
PCC
LOCAL HIGH SCHOOL
IRCO VOLAG
IRCO
IRCO
EVENING ESL
CASE MANAGEMENT

IHC - INTERNATIONAL HEALTH CLINIC
IRCO - INTERNATIONAL REFUGEE CENTER OF OREGON
PET - PRE-EMPLOYMENT TRAINING
PCC - PORTLAND COMMUNITY COLLEGE
VOLAG - VOLUNTARY RESETTLEMENT AGENCY

## OREGON REFUGEE ARRIVALS BY ETHNIC GROUPS



*Source: Oregon State Refugee Program*

Despite the added pressures during this period, "the integrity of REEP is still there," says Gamer, "although the cooperative relationship has been lost to some degree. The majority opinion is that REEP is still viable, but what we have been through is nothing short of exhausting."

One innovative measure that IRCO adopted, initially just to cope with a shortage of trained staff, is a team approach to job services casework. Usually this has meant combining a more experienced Indochinese staff-member with a new Russian-speaker.

"The team approach," RPG found, "proved successful not only in training new staff but also in helping refugees overcome cultural biases and understand better the pluralistic workforces they were likely to encounter in the United States."

**Can REEP Be Replicated? Will It Even Be Repeated?** Several factors have contributed to the success of REEP in achieving its early employment objectives, according to RPG, and may offer some insights into the project's replicability in other locations.

First, there is a "shared understanding of the goals, objectives, and practices," said the RPG evaluation. "The model was not imposed on the service providers. They were its creators."

"Some aspects of this project certainly could be replicated," says Salah Ansary, director of refugee services for Lutheran Family Services, "but the chemistry was right for it here, and that is crucial."

Nady Tan, executive director of IRCO, suggests that the success of REEP is based on two things: "leadership and partnership." "The state has taken a uniquely strong leadership role" in supporting REEP, Tan said, and was able to do so because "state and county services, voluntary agencies, and MAAs were willing to work together in partnership."

Second, according to RPG, REEP operates within "a well-coordinated and integrated system of service delivery," which includes a formal process of mandatory referrals, frequent monitoring of client progress, and joint assessments of individual clients by case managers and employment specialists.

"It comes down to the level of cooperation people are willing to commit to," says Dan Jordan, executive director of Catholic Community Services of Portland. "It's altruism, but it's also dollars and cents."

Third, REEP has applied a family-unit approach to employment, which focuses on the goal of self-sufficiency for the family, rather than finding a job for just one member. As such, according to RPG, employment services are designed to reach underserved groups like older refugees and women.

Moreover, by housing employment services with a multi-ethnic MAA like IRCO, Tan says, "we can get deep into the roots of the community."

Fourth, by essentially separating cash and medical assistance for the first 12 months, "taking a job does not necessarily mean loss of medical assistance," said the RPG report.

And fifth, in transferring control of cash assistance to private agencies, REEP can take advantage of private flexibility while still maintaining public accountability through the state management role.

In a July 23 letter to the House Judiciary Subcommittee on International Law, Immigration, and Refugees, Ron Spendal urged Congress as it looks at Refugee Act reauthorization to "remove the bureaucratic roadblocks so as to stimulate more state specific innovations." Spendal called it "bureaucratic nonsense that Oregon is required by ORR to annually request authority and financing for REEP."

"Currently," Spendal continued, "ORR is telling Oregon that they do not know if they can afford REEP in FY 92. This statement demonstrates that ORR has never understood REEP nor its outcomes."

"We understand REEP quite well," an ORR official who declined to be named told Refugee Reports. "But we have to understand it in the context of 49 other states. If we funded the other 49 states at the same per capita rate that we fund Oregon, our cash/medical and state administration costs would be far above what we have to spend."

The official also noted that in FY 92, ORR is estimating that the United States will admit roughly 135,000 refugees, fully 25,000 more than will enter in FY 91, given the shortfall in Soviet processing this year. The ORR budget for refugee cash/medical assistance and state adminstration (RCMA), however, is expected to stay at the FY 91 level, $234 million.

Given this situation, the official said, ORR would be able to fund only 6 to 8 months of RCMA services in FY 92. "We aren't going to give Oregon 12 months of funding if the rest of the country gets only half of that."

# UPDATE

- Soviet asylum applications in the United States have quadrupled from 1989 to 1990. More Soviet asylum claims have been filed in the first six months of FY 91 than for all of 1990. The number of Soviet applicants and approval rates since 1989 are:

| | FY 91 (six months) | FY 90 | FY 89 |
|---|---|---|---|
| Cases received | 1,498 | 1,043 | 243 |
| Approval rate | 62.6% | 82.4% | 90.8% |

Soviets are becoming a major new source of asylum claimants in Canada. The Canadian Immigration and Refugee Board reports that well over 500 claims were determined to have a credible basis in the first half of 1991. Only seven other source countries produced more claims before the Refugee Board.

- More than 17,000 Albanians commandeered ships and crossed the Adriatic Sea to seek refuge in Italy during the second week of August. As of August 18, only 788 had been allowed to stay in Italy. Most were summarily deported, including at least 1,000 who had been promised asylum hearings.

U.S. Committee for Refugees Director Roger Winter wrote to the Italian authorities calling their actions "an egregious violation" of the asylum seekers' due process rights. "In the absence of a fair determination of refugee status," he wrote, "no assumptions are justified about the potential for harm that these deportees might face upon return."

- On August 1, the U.S. Senate passed S. 1620, a technical corrections bill to the Immigration Act of 1990. Among its 150 amendments to the Immigration Act and other recent immigration laws, is a provision that defines the term "national" for purposes of temporary protected status (TPS). The term now includes people who have no nationality, but who "last habitually resided" in a country designated for TPS status. This provision has become especially important for stateless Palestinians, since TPS was designated for Kuwait and Lebanon.

As yet, the House has not begun consideration of the technical corrections measure.

- On August 1, U.S. District Judge David F. Levi upheld an Immigration and Naturalization Service (INS) interim regulation that sets forth criteria that indigent Salvadorans must meet to waive TPS fees (see Refugee Reports, Vol. XII, No. 7).

Earlier, on June 3 and June 12, Judge Levi had ordered the INS to stop denying fee waivers to Salvadoran applicants in California who show an income below the federal poverty guidelines (see Refugee Reports, Vol. XII, Nos. 5 and 6). He has now dissolved the earlier injunctions, agreeing with the INS that Congress had directed the agency to require fees "sufficient to cover the costs of administration" of the program.

While continuing to acknowledge that the majority of Salvadoran TPS applicants are impoverished, Judge Levi said that the law requires the INS "to develop a fee waiver regulation that provides for fee waivers to only a portion of the applicants who fall below the poverty guidelines."

- After seven months of debate, the Bush Administration has decided not to lift the ban on immigrants and refugees infected with HIV, the virus associated with AIDS. Government officials cited health care costs as the factor that tipped the balance to exclude HIV-positive aliens, according to an August 2 report in the Washington Post. However, both the numbers who would arrive and the costs they might incur are under dispute. About 0.1 percent of adult immigrants tested positive for HIV from 1988 to 1990. If such a percentage were maintained after the lifting of the ban, this would represent about 500 persons per year. Federal health officials contend, however, that additional numbers would enter if the ban were lifted, according to the Post.

- The Canadian Immigration and Refugee Board has instituted an expedited procedure to speed up an asylum process that has been criticized for being slow and cumbersome. Statistics for the first half of 1991 indicate that about 3,000 claims per month are being completed, and that approval rates have not suffered as a result of the new procedure.

Canada has a two-step asylum process, involving a credibility determination and a full hearing to determine the claimants' refugee status (see Refugee Reports, Vol. XI, No. 10). For the first stage, claims whose credible basis the government concedes are now processed without a face-to-face hearing. During the second quarter, first stage approval rates stood at 94 percent, the same rate as in 1990. At the second stage, an expedited process is used for claims that are considered to be sufficiently straightforward to allow for immediate positive determinations. About half of the claims in the first half of 1991 were heard on an expedited basis. The asylum approval rate at the full hearings for the first six months of 1991 was 76 percent, about the same as the 77 percent approval rate in 1990.

A total of 14,226 claims have moved to the second stage in the first six months of the year; of the 14,465 claimants who received decisions after their full hearing, 11,435 were granted refugee status.

- On August 5, Cuba announced that, effective immediately, persons aged 20 or more would be permitted to leave and visit other countries, provided they have valid visas from the host country. This further liberalizes the Cuban age requirement for exit permission, which only recently had been reduced from age 65 to 35 for men and from age 60 to 30 for women (see Refugee Reports, Vol. XII, No. 7).

- Several recent incidents in Florida and off its coasts have renewed discussions of the discrepancies in the treatment of Haitian and Cuban migrants. In an incident on July 7, a boatload of 161 Haitians picked up two Cubans who were floating in an inner tube. The Coast Guard later interdicted the boat, bringing the two Cubans to the United States, but returning all but nine of the Haitians to Haiti. Six of the Haitians had to be hospitalized; three were brought ashore to have their asylum claims heard.

Two days later, the INS directed a Honduran freighter to return five Haitian stowaways to Haiti. Three of the Haitians were kept in a cage on the deck of the ship; the two who couldn't fit in the small cage were handcuffed and chained. The next day, a Cuban baseball player defected in Miami, causing much excitement among sporting enthusiasts.

The most recent incidents come at a time when unauthorized Cuban entry into Florida is on the upswing (see Refugee Reports, Vol. XII, No. 7) and the drumbeat of allegations of mistreatment of Haitians at Florida's Krome Avenue Detention Center (see Recent Developments and Resources) is building.

- A federal magistrate in San Antonio, Texas is scheduled to rule on September 12 on a Salvadoran government request to extradite César Vielman Joya Martínez, a former soldier in the intelligence unit of the First Infantry Brigade of the Salvadoran Army, who has testified widely in the United States about his involvement in death squad activities in 1988-89.

A number of human rights groups, including Amnesty International (AI) and Americas Watch, oppose his extradition on the grounds that he probably would be killed upon return. America's Watch recently wrote, "If deported to El Salvador, Joya Martínez will in all likelihood never live long enough to receive a trial, much less a fair one."

AI said that although it takes a strong position that officials who abuse human rights should be brought to justice and that other countries "should not provide a safe haven for torturers," the organization nevertheless opposes the extradition of Joya Martínez because it "risks torture and execution at the hands of the authorities in El Salvador."

- After 16 months of negotiations, on August 16, the United Nations High Commissioner for Refugees (UNHCR) and the Republic of South Africa concluded a landmark agreement on the voluntary repatriation of an estimated 40,000 South African refugees and political exiles. UNHCR has not operated inside South Africa for 30 years.

African National Congress President

Nelson Mandela has made it clear that all-party talks about a new constitution for South Africa could not begin until exiles have returned.

# Recent Developments

### SENATE SUPPORTS NEARLY $960 MILLION FOR INS

On July 31, the U.S. Senate approved a $22.1 billion appropriations bill, which includes $959.5 million for the Immigration and Naturalization Service, representing a $72.4 million increase over the FY 91 appropriation and a $12.5 million increase over the bill passed by the House in June. The FY 92 State, Justice, Commerce, and Judiciary appropriations bill, H.R. 2608, now moves to conference committee to resolve differences between the House and Senate versions.

Within the INS appropriation, $312.5 million is to be available for the Border Patrol. The Senate staff report to the bill notes that the FY 92 Treasury appropriations bill already includes $10 million for additional Border Patrol agents to be posted on the southern border, which amounts to a net increase of $5.5 million above requested adjustments. This will support 100 additional Border Patrol agents. A recent U.S. General Accounting Office (GAO) study, Border Patrol: Southwest Border Enforcement Affected by Mission Expansion and Budget, notes that Border Patrol staffing has been adversely affected by a lack of funding for authorized positions (3,669 staff on active duty at the end of FY 90 out of 4,240 authorized positions) and a high rate of attrition (30 percent of Border Patrol agents leave after one year on the job; thereafter, the annual rate of attrition averages about 12 percent). The GAO reports that Border Patrol funding has increased 61 percent between fiscal years 1986 and 1990--from $164 million to $263 million.

Both the Senate and House versions of H.R. 2608 place $50,000 at the disposal of the INS "to meet unforeseen emergencies of a confidential character." Both versions also allow the INS to purchase 415 police-type vehicles.

**Additional Resources for Asylum** The Appropriations Committee has a limited role in the development of the new asylum system since the INS asylum branch is funded through examinations fees, rather than through appropriations. However, the Committee report did urge the INS "to insure that sufficient funds from that account be devoted to the new asylum system to enable it to meet the goals set out for it."

INS Commissioner Gene McNary has approved 100 new positions for the asylum branch, at an estimated cost of about $5.5 million over last year's asylum budget of about $6 million, according to INS spokesman Duke Austin. It is estimated that about 70 of the new positions will be for asylum officers (see Refugee Reports, Vol. XII, No. 7).

**Preparing for Another Mariel** Sen. Bob Graham (D-Fla.) introduced several amendments in response to the prospect of increased migration from Cuba. One amendment directs the Attorney General to issue regulations delineating what constitutes an immigration emergency and the process for the President to declare such an emergency. The regulations would also have to outline how States and localities are to be reimbursed in the event of such an emergency.

In introducing the amendment, Graham said, "We face the prospect...of another wave of immigration, particularly as conditions deteriorate in Cuba." Graham pointed to the dramatic increase in both the number of Cuban raft arrivals this year, as well as the numbers overstaying their visas (see Refugee Reports, Vol. XII, No. 7).

To track overstayers, Graham introduced another amendment that would require the INS to track I-94 forms, which state when aliens enter the United States, and to report on the number of visitors overstaying their visas.

**Krome** Finally, Graham introduced an amendment to place a 90-day cap on the detention of aliens at the Krome Processing Center in Florida. The amendment would require detainees to be released after 90 days if they are determined to have family ties in the community, are not considered to be a danger to the community, are likely to "participate in the resolution" of their immigration claims, and if they have posted a reasonable bond.

"Krome was intended to be for a short-term detention and has become, for much of its life, a long-term detention center," said Graham (See Resources). "Thus, the Immigration Service is denied the opportunity to have what would be a critically needed short-term detention and processing center in the event that the tide that we are currently experiencing were to become a flood."

Graham's colleague from Florida, Sen. Connie Mack (R-Fla.), rose to support the Graham amendments, saying, "Florida's immigration/refugee problems are relentless" and that the federal government's response has "left me disappointed."

Mack said, "The recent reports regarding the treatment of Haitians in south Florida should force Congress to take a serious look at its policy toward Haitians fleeing their country."

The Miami Herald ran an editorial on August 3 calling Haitians "the victims of an objectionable federal policy that holds detainees at Krome for as much as a year while the INS decides whether to accept them or deport them." The Herald editorial supported Graham's proposal, calling it "a reasonable, humane alternative to the present policy."

**More on Cubans and Haitians** H.R. 2608 makes $18.2 million available to the Justice Department's Community Relations Service (CRS) for the processing, care, and placement of Cuban and Haitian entrants. It also allows the Attorney General to redirect funds from other budget areas to the Cuban-Haitian Entrant Program for moving Mariel Cubans from Bureau of Prisons and INS facilities to CRS halfway houses.

The Senate bill also appropriates nearly $5 million to reimburse States for expenses incurred from incarcerating Mariel Cubans who have felony convictions after having been paroled into the United States.

## UNHCR SEEKS FUNDS TO EXPAND REPATRIATION TO LAOS

On July 16, the UN High Commissioner for refugees (UNHCR) announced the launching of a $3.4 million pilot program to encourage an estimated 63,000 Laotian refugees now living in Thailand to return home.

The new program will fund videos and literature on conditions in Laos for distribution in refugee camps, visits by refugee representatives to observe conditions in their homelands, and construction of new settlements for the returnees.

"UNHCR needs $250,000 immediately to get this project off the ground," said Jamshid Anvar, director of UNHCR's Asia Bureau, or the effort could lose momentum and refugees may be returned by force.

The new program grew out of a June meeting in Luang Prabang between the Thai government, the Lao government, and UNHCR, which laid out a set of "basic principles" for repatriation. Those principles, among other things, stipulate that "repatriation is to take place under safe, humane, and UNHCR-monitored conditions" and that "those considered to be refugees and asylum seekers returning under the program will do so on a voluntary basis, whereas those rejected in the screening process will be returned without the use of force in safety and dignity."

Since repatriation programs were first established under UNHCR auspices in 1980, about 8,000 highland and lowland Lao have returned home voluntarily. Until recently, the large majority had been lowland or ethnic Lao, with the highland groups--Hmong, Mien, Htin, and others--comprising about 25 percent of the total.

In the last two years, however, highland Lao repatriations have outpaced the lowland Lao. In the last nine months, for example, nearly 2,000 highlanders returned to Laos, while only about 500 lowlanders did so.

Explanations for this development vary. Some would say it is partly a matter of simple arithmetic. Lowland Lao refugees number only 7,500 in all of Thailand, and a mere 300 have arrived since last October. In comparison, highland Lao refugees, mostly Hmong, number 55,500.

While Hmong arrivals have averaged nearly 1,000 per month in Thailand in the last year, their attitude toward resettlement remains ambiguous. According to an October 1990 survey funded by the Ford Foundation (see Current Research), 54 percent of the residents in Ban Vinai said they would prefer repatriation to Laos over resettlement in another country.

UNHCR officials point to the growing number of highland Lao returns as a sign of growing confidence that repatriation is basically safe. "All allegations of violence against returning asylum seekers have proven incorrect," said Anvar.

But the picture is not so rosy as all that, others insist, noting that most of the highlanders choosing to repatriate are Mien and Htin, who were not nearly as active as the Hmong in resisting the communist Pathet Lao. Of the 3,000 highlanders who have returned to Laos in the last decade, only about 400 are Hmong.

Pressure from the Thai government has also played a significant role in boosting highlander repatriation, some observers say, and not all the returns have been voluntary. In late January 1991, Thai authorities forcibly removed 59 Hmong and other highland Lao from Chiang Kham camp and repatriated them to Laos. The returnees had been screened out as nonrefugees by Thai immigration officials on the border.

"The problem is," a source told Refugee Reports at the time, "the Hmong had not been informed of their status and were given only a few hours notice regarding the movement to Laos, thereby causing much distress."

The Thai government, moreover, has repeatedly stated its intentions to close Ban Vinai by the end of 1992 and to complete the repatriation process within five years.

But Thai officials say that the agreements reached at the tripartite meeting on June 27-29 spell out a kinder, gentler approach to the Laotian refugee problem. Deadlines on the closing of Ban Vinai will be relaxed, an informed Thai source told Refugee Reports, and an emphasis will be put on voluntary repatriation. "The Bangkok government reaffirmed that force will not be used in the repatriation process," said a July 16 UNHCR statement.

The $3.4 million that UNHCR is requesting would be used to prepare resettlement sites for an estimated 5,000 to 6,000 refugees expected to return by May 1992. At that point, UNHCR expects the repatriation program to enter Stage 2 and hopes funding, facilities, and staff will be sufficient to process 5,000 to 6,000 refugees a month.

# Current Research

## SOVIET PROCESSING: A FIRST-HAND ACCOUNT FROM MOSCOW

*[In July, Norman and Naomi Zucker, of the University of Rhode Island, went to Moscow to observe the processing of refugees by U.S. Immigration and Naturalization Service [INS] officials. Below are their first-hand observations.]*

In July, we spent ten days in the Soviet Union, and were able to interview Soviet citizens and to observe processing of refugees by the INS. We concluded that if there have been any delays, they do not appear to have been the fault of the U.S. government. In fact, every effort has been made to process applications not only quickly, but humanely.

The INS is scrupulously following the mandate of the Morrison-Lautenberg amendment, which requires the Attorney General to establish categories of people from the Soviet Union, Vietnam, Laos, and Cambodia "who share common characteristics that would identify them as targets of persecution." Under the amendment, a member of a category group can establish a well-founded fear of persecution "by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution." These designations are effective until October 1, 1992.

INS will have approved, by the end of this fiscal year, 50,000 applications for admission to the United States. As of July 16, they were interviewing applicants for the next fiscal year. An INS officer at the U.S. embassy in Moscow forecast that by the end of the year, the ceiling will have been reached. "We have one thing to do here," he said. "That's approve 50,000." He added, "If we see we're not going to get 50,000, we just speed it up."

And a speed-up has occurred. In July,

there were nine INS inverviewers, conducting approximately 100 interviews a day. But earlier in the summer, when approvals were lagging, the number of interviewers was increased to twelve, who were able to complete 132 cases a day.

**A One-Year Process** The entire process takes approximately one year from the time the application is first submitted. From Monday to Thursday, an employee of the embassy hands out questionnaires to the many waiting applicants. (In early July, despite heavy rains, lines of more than 200 would-be applicants waited patiently in front of the building.) Applicants fill out the questionnaires and return them to the embassy, which sends them on to the Washington Processing Center (WPC). The WPC then sorts out the questionnaires according to the priorities and schedules interviews to be conducted in Moscow.

Applicants are then sent an appointment letter with an application and instructions. There is a lag of two to three months before the interview date; this gives the applicant time to collect the necessary documents in support of his or her case. Many also use this time to prepare to leave.

At the interview, the applicant is taken to one of nine small, private rooms, and is interviewed by an INS officer. To the credit of INS, all of the interviewers are Russian speakers, and all have received training.

The interviewer makes the decision to approve or deny the application. If the application has been approved, the applicant is notified of the final decision by 5:30 p.m. the same day. In practice, nearly all applications are approved, but the five to six percent that are denied are discussed with a supervisor, who reviews the entire case. The rejected applicant is re-interviewed by another INS officer, and the case is discussed with the officer-in-charge or his assistant.

On the day after applications have been approved, the emigres meet with SPATE (Soviet PanAm Travel Effort) to schedule an airline date and to determine what assistance they may need. They are also given a medical examination. The INS, in Moscow, meanwhile, express mails the files to Washington, where

*The following information on Soviet processing was gathered by the Washington Processing Center (WPC), as of August 6, 1991.*

- To date, WPC has received 422,000 applications from Moscow, representing 627,000 people. WPC currently receives about 15,000 per month.

- As of June 1, 1991, 9,960 interviews have been conducted in FY 91 at the U.S. Embassy in Moscow. The total number of applicants in these cases is 40,358.

- As of June 1, 8,945 cases (35,923 persons) have been accepted for U.S. resettlement. During FY 91, the approval rate for Soviet Jews has averaged 97.6 percent. During the first quarter of FY 91, the approval rate for non-Jewish cases was 38.4 percent, and 66.1 percent for the period February through May. Overall, the approval rate has increased over that for FY 90.

- Cases approved for resettlement by priority category (based on family relationships, connections with the United States--see Refugee Reports, Vol. XI, No. 12 for a description of each category);

| | |
|---|---|
| P1 | 176 |
| P2 | 0 |
| P3 | 3,059 |
| P4 | 1 |
| P5 | 3,312 |
| P6 | 2,397 |

- Cases approved for resettlement by ethnic group:

| | |
|---|---|
| Jewish | 7,374 |
| Evangelical | 849 |
| Armenian | 465 |
| Ukranian (Catholic and Orthodox) | 116 |
| Other | 141 |

- Between 36,000 and 40,000 Soviets will arrive in the U.S. as refugees during FY 91.

cases are assigned to voluntary agencies.

**No Delays Now, But Problems Could Occur on Soviet Side** At present, there is no delay by the United States in processing Soviet refugees. But in the future, there could be problems from the Soviet side. We were told by Soviet citizens that there is a pervasive fear that the promise of free emigration is being extended only as a trade off for a package of economic assistance from the United States. Many Soviet citizens fear that should the United States approve the aid, the Soviets would then slow down emigration. This is, of course, only a fear, and possibly an unfounded fear; it does, however, indicate a state of mind in which Soviet citizens have little confidence in their government, and less in their potential freedoms.

A second area in which problems could arise is in the application of the new exit and entry law. The law stipulates that anyone leaving the Soviet Union after July 1 must have a valid international Soviet passport, obtaining which is a time-consuming and capricious process. OVIR, the Soviet emigration agency, also announced a new regulation effectively banning the emigration of military-aged men between the ages of 16 and 26. Soviets who want to emigrate are worried that OVIR might arbitrarily reject their applications. Anecdotes were recounted of friends and acquaintances who had been denied permission to emigrate.

There now seems to be a double paradox overshadowing Soviet emigration. The first is that the flowering of *perestroika* has brought about a decline in official anti-Semitism, but as economic conditions worsen, there has been a concomitant rise in private anti-Semitism.

The second paradox arises from the Soviet Union's new law, under which an applicant for an exit visa does not need to have a close relative outside the country for family reunification, nor does he need a foreign invitation to emigrate. Implementation of the new law may give rise to massive emigration, but most countries, with the exception of Israel, would probably be averse to receiving large numbers of Soviet immigrants.

## TWO REPORTS FOCUS ON HIGHLANDER REPATRIATION TO LAOS

"Laos is on everyone's back burner," a U.S. Embassy official in Bangkok said recently. He might have added, "so too are Laotian refugees." They rarely garner the international attention accorded, for good or for ill, to their Cambodian and Vietnamese counterparts.

With relatively little fanfare, more than 250,000 Laotian refugees who fled into Thailand have resettled abroad since 1975, mostly in the United States. And despite periodic downturns in Thai policy and occasional pushbacks, Laotian asylum seekers have been given a fairly steady and open-ended welcome in Thailand.

But recently, the Thai government has stated its intentions to close the largest Laotian refugee camp, Ban Vinai, perhaps by June of 1992, and to be free of its entire population of 63,000 Laotian refugees within five years.

Lowland Lao refugees numbered only about 7,500 as of June, and arrivals have slowed to a trickle, so they are not of central concern. But larger questions surround the more numerous highland Lao refugees, specifically the Hmong, who total about 55,000 in Thailand. How many seek resettlement in the United States, and when might they go? How many would choose to go back to Laos, and under what circumstances? And what will it take for them to make up their minds?

In March, a group of five women with backgrounds ranging from journalism to refugee education to medicine travelled to Thailand and Laos under the auspices of the Women's Commission for Refugee Women and Children to examine issues relating to the repatriation and reintegration of highland Lao. The title of their 26-page report asks the question "Repatriation and Reintegration: Can Hmong Refugees Begin to Look Homeward?" and then answers it.

"Clearly, it is time to bring a well-reasoned end to the existence of refugee camps in Thailand," the report said. "Clearly, as the number of screened-out new arrivals rises, resettlement options dwindle, and repatriation plans are finalized, refugees in Thai camps will be faced with making crucial choices about their future. Equally as clear is the need to preserve humanitarian principles while the planning for and the process of voluntary repatriation occurs."

The report offers recommendation on Chiang Kham camp, screening and forced repatriation, and voluntary repatriation.

Of the 22,000 hilltribe refugees in Chiang Kham, 6,500 are women and 7,900 are children under the age of nine, but there is no formal women's organization in the camp, and most of the skills-training programs are geared toward men, the report said. The delegation recommended that a Women's Association should be established in Chiang Kham; female protection officers and social workers should be recruited; and skills training programs for women should be "aggressively marketed to both women and men."

On the issue of screening and forced repatriation, the Women's Commission recommended that "those screened out should be informed of their status...and informed of their right to appeal." Moreover, "those who have been fairly screened out, and have had the time and opportunity to appeal their case, must be subsequently treated in a humane manner. All returnees must be informed of the date, time and location of their return to Laos, given adequate time to prepare, and information on UNHCR support upon their return to Laos."

The delegation urged that "the inhumane practice of forced repatriation in the middle of the night should be vigorously protested."

As for voluntary repatriation, the delegation called upon the U.S. government and the refugee community to increase support for reintegration programs. "Hmong and Lao leaders abroad should consider investing in...rural development programs such as 'sponsor-a-village' concepts."

The report also said, "The needs of women and children must be considered as an issue vital to the successful repatriation of all refugees, and women must be involved with identifying those needs."

The Women's Commission for Refuge Women and Children operates under the auspices of the International Rescue Committee (IRC). For copies of the report, contact IRC at 386 Park Avenue South, New York, NY 10016. Tel: (212) 679-0010. Fax: (212) 689-3459.

**Ford Foundation Study Surveys Hmong Views on Resettlement and Repatriation** In the summer of 1990, the Ford Foundation funded a survey of 5,344 heads of family representing 28,992 refugees in Ban Vinai camp. A report based on that survey was published in October 1990, titled "Highland Lao Refugees: Repatriation and Resettlement Preferences in Ban Vinai Camp, Thailand" and written by Thomas P. Conroy.

Of those interviewed, the great majority of whom were Hmong, 54 percent said they preferred to repatriate to Laos and 46 percent chose resettlement. Neither choice, however, was unqualified.

Of those choosing resettlement, more than 70 percent said they would prefer to go some time after 1992, a fact that, the report noted, "is not likely to sit well with either the country of first asylum, Thailand, or the major resettlement country, the United States." Thailand would like to close Ban Vinai before that, and U.S. resettlement spots for Southeast Asian first asylum countries are shrinking each year.

The single most common reason given for delaying resettlement was that elders in the family didn't want to go abroad. Others said they were waiting for relatives still in Laos, or were concerned about language problems in the United States, or they were involved in a polygamous relationship.

Four out of ten respondents chose "other" as a reason for delaying resettlement. The report suggested that "this response provided an alternative for those who were uncomfortable with having to admit that they were sheltering unregistered relatives in camp." It was also the chosen category "for those who will eventually resettle unless drastic political changes occur in Laos in the next year or two. These respondents have essentially given up hope that this will happen, but choose to wait nevertheless."

Of the nearly 2,000 respondents who chose resettlement over repatriation, 53 percent selected California as their preferred state of resettlement, 12 percent chose Minnesota, and another 12 percent chose Wisconsin.

**Most Hmong Seek to Delay Repatriation** Although the majority of Hmong respondents chose repatriation over resettlement, nearly 80 percent of this group said they were unwilling to return until significant political changes occurred, and another 5 percent said it was simply not yet safe to go back.

"The challenge now is to finally begin to draw the Hmong into the voluntary repatriation program," the Ford report said. "One way to do so is to initiate a pilot project that will demonstrate to both the LPDR [Lao People's Democratic Republic] and the Hmong themselves that the road to recovery is indeed possible. Heretofore, the LPDR has been unwilling to accept the prospect of large numbers of Hmong returning from camps in Thailand to highland Lao areas. The Hmong have been unwilling to return to Laos only to have to reintegrate in lowland areas."

As a compromise, the report recommended that a pilot repatriation site be established in Xiang-Ngeun District of Louang Phabang province. The site is in a highland area but would be accessible to the government, UNHCR, and private relief and development groups. "Once the Hmong in Ban Vinai realize that it is possible to return to a highland area and make a go of it, more will surely give the thought of repatriation serious consideration."

# Meetings and Conferences

### NATIONAL ASYLUM NETWORK TO MEET

The Committee for U.S. Action on Asylum Concerns (CUSAAC), a national network of asylum projects, legal services and advocacy groups, and national voluntary organizations, will meet in Washington, D.C. from September 20-22. Agenda items include updates on political conditions in El Salvador, Guatemala, and Haiti; extension of temporary protected status for Salvadorans; safe haven for Guatemalans; the Immigration and Naturalization Service's new asylum system; border violence, detention, interdiction of Haitians and Central Americans; and the future of CUSAAC. For more information, call Claudia or Tania at the National Immigration, Refugee, and Citizenship Forum at (202) 544-0004.

### REFUGEE MOVEMENTS, DEVELOPMENT, AND HUMAN RIGHTS

The Berliner Institut für Vergleichende Sozialforschung in collaboration with the New School for Social Research and Friedrich-Naumann-Stiftung is sponsoring a conference on "Worldwide Refugee Movements, Development Politics, and Human Rights" in New York, November 8-9. Panelists will apply political and development theory to migration, with particular emphasis on refugee movement. The conference will be held at the New School for Social Research. For further information, call the New School at (212) 741-5850 or the Berliner Institut at 011-49-030-262-30-85.

### HEALTH AND MENTAL HEALTH OF SOVIET REFUGEES

A "National Conference on Health and Mental Health of Soviet Refugees" will be held in Chicago on December 10-12 at the Hyatt Regency-Chicago. The conference will feature more than 30 workshops on cross-cultural health, medical, and mental health topics.

Pamela Seubert, conference co-chair, says that the conference is expected to "create a national information network that will allow participants to continue to share information on important issues surrounding Soviet refugee health and mental health."

For more information, contact Juanita Salvador-Burris, Soviet Conference Coordinator, Jewish Federation of Metropolitan Chicago, One South Franklin St., Suite 805, Chicago, IL 60606 or call (312) 346-6700, ext. 3210.

# Resources

### REPORTS DOCUMENT ABUSES AT KROME

Allegations of physical and sexual abuse at the Krome Avenue Detention Center, a facility run by the Immigration and Naturalization Service (INS) in South Dade County, Florida, are highlighted in two recent reports.

Hidden from View: Human Rights Conditions in the Krome Detention Center, a report by Physicians for Human Rights (PHR) and the Minnesota Lawyers International Human Rights Committee (MLC), is based in part on a site visit in November 1990. It recounts allegations of mistreatment by detainees, as well as observations on conditions of detention and legal access.

The other report, Conditions at Krome North Service Processing Center, issued by the Haitian Refugee Center (HRC) in June, is largely a compilation of affidavits and news clippings with a brief overview and recommendations.

The PHR/MLC delegation itself was denied direct access to detainees, except for those in the health facility, which is run by the Public Health Service, and is independent of the INS. The report accuses the INS of presenting a "sanitized view of the facility" by permitting the delegation to speak "only with personnel selected by INS officials who monitored these interviews."

Lack of access is a theme of the HRC report as well, which includes affidavits from paralegals who were denied access to their clients, letters to various officials from attorneys on this subject, as well as accounts of journalists being denied access.

**Affidavits Charge Physical and Sexual Abuse** Both reports rely heavily on prisoner affidavits that allege physical and sexual abuse. For example, one detainee reported on July 13, 1990 that he was taken by two officers to an isolation cell about 4:00 am with no explanation. "I started to take off my shirt, because it looked like that's what they wanted " he said. "When I had it half over my head, so I couldn't see and my arms were tangled up, one or both--I couldn't really tell, because my shirt--shoved me sideways, so I slid down the wall of the cell. I got kicked, too. Somebody punched me in the ribs... I saw [Officer] _____ lift his foot and then he stepped on my head. He set his foot near my left ear and pressed."

Janine Todaro, a former teacher at Krome, told the PHR/MLC delegation that she frequently witnessed male detention officers touching female detainees in sexually offensive ways. "At least 25 of her female detainee students told her that they had had sexual relations with detention officers who promised to secure their release from Krome," the report said.

INS authorities declined to comment on any allegations of physical and sexual abuse, since the subject was under investigation by the Justice Department/FBI.

**Access to Legal Counsel** The PHR/MLC report charges that practices and policies at Krome impede access to legal counsel in three areas: failure of the INS to provide adequate information about *pro bono* representation; inadequate telephone access to attorneys; and marginal respect for attorney/client confidentiality and privacy.

The delegates followed up on the list of available legal services that the INS provides to detainees. Of the 16 organizations listed, only three were willing to provide free legal services to qualifying Haitians (the majority population at Krome) and were accessible by telephone through reasonable efforts. Three organizations on the list said they did not represent Haitians; three numbers had been disconnected; one number was listed incompletely; one had a recording asking the caller to leave a message; one required a $20 "donation"; two never answered; and two never returned messages. "There is compelling evidence," said the report, "that the list that is sometimes provided is outdated to such a degree as to be useless."

The HRC report calls for a parole alternative to detention at Krome (see Recent Developments), as well as the establishment of an independent oversight commission to review the charges of inhumane treatment.

Hidden from View is available for $7.00 from the Minnesota Lawyers International Human Rights Committee at 430 Marquette Avenue, Suite 402, Minneapolis, MN 55401 or from Physicians for Human Rights, 58 Day St., Suite 202, Somerville, MA 02144.

To order Conditions at Krome, contact the Haitian Refugee Center, 119 N.E. 54th St., Miami, FL 33137. (305) 758-2444.

### ASYLUM CASES FILED WITH INS DISTRICT DIRECTORS APPROVED AND DENIED FISCAL YEARS 1980-1991 (FIRST HALF)

| Fiscal Year | Cases Approved | Cases Denied | Approval Rate | Pending Year-End |
|---|---|---|---|---|
| 1980 | 1,104 | 896 | 55.2% | 40,011 |
| 1981 | 1,175 | 3,346 | 26.0 | 97,459 |
| 1982 | 3,909 | 15,070 | 35.0 | 128,387 |
| 1983 | 7,215 | 16,811 | 30.0 | 165,998 |
| 1984 | 8,278 | 32,344 | 20.4 | 138,601 |
| 1985 | 4,585 | 14,172 | 24.4 | 126,311 |
| 1986 | 3,359 | 7,882 | 29.9 | 99,408 |
| 1987 | 4,062 | 3,454 | 54.0 | 80,730 |
| 1988 | 5,531 | 8,582 | 39.2 | 73,109 |
| 1989 | 6,942 | 31,547 | 18.0 | 71,993 |
| 1990 | 4,173 | 24,156 | 14.7 | 97,288 |
| 1991 (1st. half) | 1,696 | 3,722 | 31.3 | 114,044 |

Source: Data from Immigration and Naturalization Service/U.S. Department of Justice. Compiled by *Refugee Reports*.

*REFUGEE REPORTS* is published monthly for $37.50 per year for one subscription, $25.00 each for two or more subscriptions to the same addressee, or $25.00 each for ten or more subscriptions requested at the same time, mailed to separate addresses; overseas postage is an additional $24.00 for second class or an additional $75.00 for airmail; by ACNS, 95 Madison Avenue, Third Floor, New York, NY 10016. Second Class Postage paid at New York and additional mailing offices. POSTMASTER: send address changes to *Refugee Reports*, Sunbelt Fulfillment Services, P.O. Box 41094, Nashville, TN 37204.

Editorial comments and inquiries should be sent to : *Refugee Reports*, 1025 Vermont Avenue NW, Suite 920, Washington, DC 20005. All communications regarding subscriptions should be sent to: *Refugee Reports* Subscriptions, Sunbelt Fulfillment Services, P.O. Box 41094, Nashville, TN 37204. (615) 377-3322.

Basic subscription rate for 12 issues per year: $37.50; Multiple-copy rate: $25.00; Single copies of back issues: $4.00
Co-Editors: Bill Frelick and Virginia Hamilton; Staff Writers: Court Robinson and Hiram A. Ruiz
Distribution Manager: Carolyn Moore; Production Coordinator: Koula Papanicolas
© 1991 American Council for Nationalities Service. Rights of reproduction and redistribution reserved. ISSN 0884-3554

# Refugee Reports

**A News Service of the U.S. Committee for Refugees, a Project of the American Council for Nationalities Service**
**Sunbelt Fulfillment Services**
**P.O. Box 41094**
**Nashville, TN 37204**

**Address Correction Requested**
**Return Postage Guaranteed**

****************3-DIGIT 208
RR KIANKE004JAN92 040 3DG
ED KIANKA ACQUISITIONS EDTR
CONGRESSIONAL INFORMATION SER
4520 EAST-WEST HWY STE 800
BETHESDA MD 20814

R 9372-2

# Refugee Reports

A News Service of the U.S. Committee for Refugees
1025 Vermont Avenue NW, Suite 920 Washington, DC 20005 (202) 347-3507

Volume XII, Number 9 September 30, 1991

## COURT FAULTS INS POLICY ON DETENTION AND RELEASE OF JUVENILES

In a landmark case concerning the rights of aliens and children, *Flores v. Meese*, the Ninth Circuit Court of Appeals has ruled that it is unconstitutional for the Immigration and Naturalization Service (INS) not to release a juvenile from detention if a responsible adult is willing to assume responsibility for the child.

On August 9, the ninth circuit upheld a 1988 district court ruling that the INS policy of releasing children only to parents or legal guardians is illegal. However, the 1988 injunction against the INS practice had previously been lifted by a panel of the ninth circuit in 1990 (see Refugee Reports, Vol. XI, No. 9). This time, a majority of the full ninth circuit reversed the 1990 panel decision, finding that "the district court correctly held that the blanket detention policy is unlawful...[and that its] order appropriately requires children to be released to a responsible adult where no relative or legal guardian is available."

The majority opinion, written by Judge Mary M. Schroeder, said, "This case is unprecedented in that it involves post-arrest detention of persons who have not been convicted of any crime, do not pose a risk of flight, and who have not been determined to present any threat of harm to themselves or to the community." She went on to say, "aliens have a fundamental right to be free from government detention unless there is a determination that such detention furthers a significant government interest." However, she continued, "Whatever purposes detention serves, they do not relate to punishment, to the need for attendance at further proceedings, or to the avoidance of an identifiable risk of harm."

The court pointed out that Jenny Flores was not only an alien, but a child as well, and that the INS had justified its policy on the grounds that a child would be better served by detention than by release to a responsible adult whose living environment the INS does not have the resources to investigate. The court reviewed earlier rulings to find that "government confinement of a child to an institution should be a last resort." Looking at Supreme Court precedents, the

## IN THIS ISSUE:

Should INS release juveniles in detention to someone other than a parent or legal guardian? The Ninth Circuit Court of Appeals has said yes in a landmark case, *Flores v. Meese*. Bill Frelick examines the impact of this decision on children in detention. .............................. 1

- **Update** ........................ 5

- **Current Research**

Two studies focus on the psychological costs of sexual abuse and violent displacement on Central American women .................................. 6

Central American refugee children show signs of stress ................ 7

- **Job Board** ...................... 9
- **Meetings and Conferences** .................. 14
- **Reader Exchange** ....... 9

- **Resources**

Asylum system...................... 12
Teaching resources ............... 13
Repression in Cuba ................ 14
Post-war Angola...................... 14
Sri Lanka Video ...................... 15
GAO Video on Camp Conditions 15

- **Statistics**

ERMA Drawdowns in FY 91 .... 16

majority observed, "While the Supreme Court...recognized that a child, because of a lack of maturity should have some adult custody and care,...it did not remotely suggest that there may be a presumption in favor of governmental detention as serving the best interests of the child."

The writer of the majority opinion when the *Flores* case was earlier before the ninth circuit panel, Chief Judge J. Clifford Wallace, wrote a vigorous dissent to the decision of the whole court. He challenged the majority's characterization of the issue as that of a "blanket detention policy," saying, "The regulation does not bar the release of all alien juveniles, but merely those who do not have an identifiable parent, legal guardian, or adult relative who can accept custody or designate an appropriate custodian."

Wallace's approach was to narrow the focus of the case. "I believe the majority errs by concluding that this case involves a 'fundamental right to be free from government detention.'" On the contrary, Wallace characterized the issue as one involving "a denial of the nonfundamental right to be released to unrelated adults unless the INS grants permission."

Wallace also charged that the majority ignored the immigration context of INS detention. As such, he held, the matter is "political in nature" and therefore best left up to the political branches of government to which the judicial branch should defer. "The majority ignores the fact that any judicial branch intrusion, even if explained by a belief that the INS has no special expertise, severely undermines congressional power over immigration."

The dissent also chided the majority for ignoring that there are significant differences in the rights of children and adults in detention, with Wallace arguing that "the state may restrict a child's liberty interest in order to secure that child's welfare."

One of the two concurring opinions written in support of the majority directly challenged Wallace's positions. "The dissent casts the INS as a parent, but I see only a jailer," said Circuit Judge William Norris.

Norris also addressed whether the courts should defer to "the political branches" on this issue. "Congress's broad power to fashion immigration policy no more authorizes the INS to hold people without due process than a state's sovereign power to pass criminal laws authorizes the imprisonment of people without due process."

"In sum," Norris declared, "the deprivation of the children's liberty is so plain, and the government's interest in detaining them so trivial, that the due process violation could not be more clear-cut."

**Next Legal Steps?** As of September 26, the government had not yet decided whether to petition the Supreme Court to hear the case, and the U.S. attorney declined to comment on the case to Refugee Reports.

Counsel for the plaintiffs, Carlos Holguin of the Center for Human Rights and Constitutional Law, said that his group has been discussing the case with the INS Commissioner's office. "We are trying to persuade them to forego an appeal," he said.

Holguin outlined several areas under discussion. First, in Holguin's judgment, the court order does not lay down "a lot of specifics," which still leaves a fair amount of discretion in the hands of the INS. Nor, he said, does the court's order "impair the Service's detention authority as historically used."

What the court did do, said Holguin, is require the INS to release children to a responsible adult where no relative or legal guardian is available. Holguin stated that the plaintiffs will not retreat from this point; however, he suggested, "We could discuss with INS setting up a national program to provide shelter services or the screening of foster families or other placement alternatives."

Holguin said that the plaintiffs could be more flexible on the court's requirement that an administrative hearing be held in every case to determine probable cause for arrest. Holguin said a hearing could be avoided for every minor apprehended, and reserved only for those detained more than 72 hours or for those who had been denied release after an available custodian had come forward.

While he expressed willingness to be flexible at this juncture, Holguin said that if the government does petition the Supreme Court and the court declines to review the decision, "we will demand complete compliance throughout the ninth circuit and will file similar cases in the fifth and eleventh circuits."

Holguin said that if the Supreme Court does grant certiorari (the petition for review), "there is no assurance they will win." Whichever way the high court would rule, the decision would then apply nationally, not just in one circuit.

**INS and Nongovernmental Agencies Meet on Minors in Detention** If the INS does not petition for certiorari, the ruling will only stand within the ninth circuit. Only about 10 percent of the juveniles currently being detained by the INS are held within the Service's Western Region where the *Flores* suit arose, according to Holguin.

Outside the legal battle over *Flores*, however, a dialogue between nongovernmental organizations (NGOs) and the INS on the Service's policies relating to children in detention have been going on--and off--for years (see Refugee Reports, Vol. VIII, No. 11).

Most recently, INS Commissioner Gene McNary has directed the INS to hold a series of meetings with a "working group on minors in detention" with representative organizations, specifically the U.S. Catholic Conference/Migration and Refugee Services (USCC/MRS), Lutheran Immigration and Refugee Service (LIRS), National Council of La Raza, the Child Welfare League of America, and Esperanza Para los Niños, a local project in El Centro, California.

McNary himself has participated in some of the meetings, and several of the nongovernmental representatives have commented positively on his interest and receptivity to the concerns of the NGOs.

The six organizations that meet with the INS in turn consult with a larger network of NGOs. In May, these NGOs submitted a proposal to the INS outlining a national policy "based on a presumption favoring release of minors from detention."

Among other things, that proposal suggested releasing children to licensed foster care or group homes, or to unrelated adults who have been screened by qualified social workers and who agree to provide adequate care and to ensure the juveniles' presence at future immigration proceedings.

One member of the working group,

*Child apprehended by the U.S. Border Patrol. Photo from Illegal: Seeking the American Dream, a book of photographs and texts that concentrates especially on detained unaccompanied minors from Central America, including their testimonials. Illegal is available from bookstores or directly from Rizzoli International Publications, Inc., 300 Park Avenue South, New York, NY 10010. 1-800-433-1238. The list price is $19.95. Add $1.50 for postage and handling when ordering from the publisher and ask for order number 0-8478-1367-3.*

Sussan Khozouri of LIRS, told Refugee Reports, "We are talking about release with safeguards, not a carte blanche." The interest of the working group--and the proposal--she said, is "to inject a child welfare standard" into the process to ensure that "the best interests of the child" be at the forefront of the discussion.

The working group proposal also made specific recommendations about providing alternatives to INS contract facilities for "longstayers" --children being held for periods longer than thirty days. One suggestion was to use the Unaccompanied Refugee Minors network that has served thousands of minors admitted to the United States as refugees without traceable family here (see Refugee Reports, Vol. VI, No. 11).

**Mixed Signals from the INS** The proposal elicited a rather dry official response. An August 5 letter from McNary declined to comment on the specific recommendations of the working group, saying that to do so might create a conflict of interest for bidding on future contracts for juvenile detention facilities. The letter briefly reviewed current policies on detention and release, and said, "These procedures have, so far, worked well for both undocumented juveniles and the Service." McNary's letter went on to say that "there is currently no need for additional detention facilities as the appropriated beds are rarely filled to capacity. If and when the Service identifies a need to increase or modify the existing juvenile detention services, a Request for Proposals will be developed."

Khozouri said, "The letter does not address the issue. We were proposing no longer having detention facilities, not starting new ones."

NGO working group members have told the INS that many of the issues in the proposal (such as use of juvenile halls--the name given to centers that detain juvenile delinquents--and the licensing of facilities) were not related to contract bidding, and could be dealt with.

"Commissioner McNary's letter does not reflect his final word on the subject," said Emma Navaja, USCC/MRS's director for immigration. "We will sit down face-to-face across the table and try to reach a solution."

Despite the optimism of the working group that high-level INS officials are receptive to these discussions, an August 26 letter from Commissioner McNary to Sen. Edward Kennedy, chairman of the Senate Subcommittee on Immigration and Refugee Affairs, suggested that the door to further national-level policy discussions with the NGOs is closed. He wrote that the INS would cooperate with the voluntary agencies "on a case-by-case basis, with individual problems."

**Detention in Juvenile Halls** Among the most contentious issues is the detention of non-criminal alien children in juvenile halls. A 17-year-old Guatemalan held at the Yuma County Juvenile Court Center in Yuma, Arizona in May 1990 testified:

> *I was beaten up by four detainees who are being held by the county for criminal offenses. They are not INS detainees like me, but we are held together in the same facility. I was sitting at the table where we all have to sit for seven hours a day, and one of the boys who spoke Spanish started swearing at me, calling me names, and threatening me. When the guard left the room, three other boys started shoving me and pushing me in the stomach. Then, one of them hit me very hard in the face three times. The guard came back in the room and took me out immediately. I was taken to the hospital, where they x-rayed my face and nose and treated me. My nose was painful and swollen, my lip was very swollen, and I had some cuts on my face.... I do not want to be detained together with juvenile delinquents. I fear that I could be attacked again by them in the future.*

The working group will be meeting again in mid-October to discuss implementation of the NGO recommendations, including the use of juvenile halls for holding children waiting for immigration proceedings. Although some of the NGO representatives on the working group expressed optimism that there was high-level support at the INS for barring the use of juvenile halls, INS spokesman Duke Austin told Refugee Reports, "We can't just send out a directive that says the Service will never send a juvenile to a juvenile hall. It would be impossible to hold some of them otherwise." Austin said that some of the juveniles are "disruptive, if not dangerous." He said that the INS would not willingly take away its own discretion.

**Scope of the Problem** Austin said, 'We are not dealing with the holding of any significant number of people for any significant period of time." He expressed the view that the problem has been blown out of proportion. "The perception is that thousands of these kids are being detained." He said that the reality is that maybe 150 are held at any one time and most cases are resolved "as quickly as we can."

"The last thing we want to do," said Austin, "is to hold kids."

Wendy Young of USCC/MRS, who coordinates much of the NGO activity in the working group, said that getting accurate information from the INS about the scope of the problem has itself been a serious problem. She said INS personnel in the Washington, D.C. office "often don't know themselves where the kids are because so much discretion is left to the district directors and the Border Patrol." Although the McNary letter only mentioned seven contract facilities where juveniles are held, Young pointed out that the *Flores* brief notes that 117 facilities are being used, including the juvenile halls in Yuma, Arizona, El Centro, California, and Hondo, Texas.

**Accurate Information: The Age-Old Problem** The NGO proposal called upon the INS to update statistics on an ongoing basis and outlined the information that was needed, including the numbers of children signing for voluntary departure, place and length of detention, and a complete list of facilities used to house children.

In an earlier incarnation of the INS-NGO working group that met on this issue between 1985 and 1988, the NGOs complained loudly about the lack of data on the numbers and location of children were being held. The NGO recommendations of 1987 include one on the need for accurate INS data collection and reporting that said, "A proverbial problem in developing uniform standards and adequate oversight involving the care of minors in INS detention has been the lack of reliable data about the numbers and characteristics of this population."

# Update

- Polish President Lech Walesa signed the 1951 Refugee Convention and its 1967 Protocol on September 20, making Poland the 109th nation to do so.

On August 7, Romania became the 108th country to accede to the Convention and Protocol.

"I am delighted that these two nations, which only a few years ago were themselves sources of considerable refugee outflow, have committed themselves to the protection of refugees from other lands," said Sadako Ogata, the UN High Commissioner for Refugees.

On September 13, the Republic of Korea announced its intention to accede to the 1967 Protocol in the near future.

- On August 14, the Immigration and Naturalization Service (INS) raided the offices of the Central American Refugee Program (CARP) in Seattle, Washington.

In an apparent attempt to find fraudulent documents relating to Temporary Protected Status (TPS) registration, INS agents removed files from the CARP offices. CARP is a project of the Washington Association of Churches. Although no arrests have been made in the case, the former director of CARP, a case manager, and a number of Salvadoran clients have been subpoenaed to testify before a grand jury.

- From August 26 to August 28, more than three hundred detainees at the Krome detention center in Florida held a hunger strike to demand review of each inmate's length of stay, an end to abuses, and a public meeting with INS District Director Richard Smith.

The hunger strike ended, according to representatives of the strikers, when Smith assured the detainees that he would review their cases and that those participating in the hunger strike would not be punished.

- As of September 20, the International Committee of the Red Cross (ICRC) reported that 218,000 people have been internally displaced by fighting in Yugoslavia, and that 35,000 are refugees in Hungary and Italy. The ICRC cable noted the "alarmingly fast growth in the number of people displaced."

- The Justice Department has extended Temporary Protected Status (TPS) to Somalis. An estimated 2,000 Somalis currently living in the United States could potentially benefit from TPS status. Applicants must have been continuously present in the United States since September 16, 1991, the date on which the designation was approved and the notice appeared in the Federal Register, and must apply by September 16, 1992. The designation of Somalis for TPS is renewable after that date if the Attorney General determines conditions in Somalia warrant such action.

The Somali designation is particularly significant in that it is the first time that the Justice Department has designated a nationality for TPS without Congressional mandate or urging. According to the immigration newsletter Interpreter Releases, "The designation has raised hopes that other nationalities may be protected."

- In the past several months, President Bush has issued three presidential determinations to make a total of $44.3 million available in emergency refugee assistance for refugees from Africa and the Middle East. Bush first made $2 million available from the State Department's Emergency Refugee and Migration Assistance (ERMA) fund for refugees in the Horn of Africa, as of June 21. Then, on July 8, he drew down another $7 million from the ERMA fund to be made available to the UN High Commissioner for Refugees (UNHCR) for its work in the Western Sahara. Finally, on August 29, Bush ordered another $22 million in ERMA funds for urgent and unforeseen needs of refugees and displaced persons in the Horn of Africa.

As part of that same presidential determination, Bush also made available $7.3 million in ERMA funds to be contributed to the UN Relief and Works Agency (UNRWA) to assist Palestinians in the Occupied Territories and Lebanon and $6 million for the United Israel Appeal to help resettle Ethiopian refugees in Israel.

About $30 million remains in the ERMA account following the recent drawdowns (see page 16).

# Current Research

## CENTRAL AMERICAN WOMEN REFUGEES: THE PSYCHOSOCIAL CONSEQUENCES

Two recent studies treat the psychological and social aftermath of the traumatic experiences that Central American women have suffered both in their home countries and in the United States.

"The Gender-Specific Terror of El Salvador and Guatemala: Post-traumatic Stress Disorder in Central American Refugee Women," an article published in Women's Studies International Forum, is based on clinical case studies of Central American refugee women suffering from Post-Traumatic Stress Disorder (PTSD). The authors argue that women who have been sexually abused by army and police forces in Central America cannot be treated in the same way as rape victims in the United States, where the act itself is considered deviant, criminal, and punishable by law. Neither research on the effects of rape per se, nor on torture, adequately addresses the condition of these victims, says the report.

The authors, Adrianne Aron et. al., contend that rape has been sanctioned as "a normative act of social control" in El Salvador and Guatemala. "Women who are sexually abused by men associated with the Armed Forces cannot call for help, cannot press charges, cannot demand justice, cannot find refuge.... Virtually all avenues of support are closed, and in consequence, what might have been merely a terrible experience with a beginning, a middle, and an end becomes an ongoing catastrophe."

Although exile may be necessary for survival, it tends to exacerbate the sense of isolation that undermines psychological healing, say the authors. The forced separation of a refugee from family and friends removes a natural support system from the rape victim. Rape crisis centers in the United States are ill-equipped to help the Central American rape victims, nor are law enforcement agencies accessible to them. "The Guatemalan or Salvadoran rape victim cannot report her assault or have it recognized as a crime in her homeland, for fear of death, and neither can she report it to the authorities in the

United States, for fear of deportation."

**Central American Women in Washington, D.C.** Another study, "The Psychosocial Consequences of Violent Displacement: The Experience of Central American Refugee Women in Washington, D.C.," by Margaret McCallin of the International Catholic Child Bureau (ICCB), is based on interviews with 111 Central American women in the capital.

Three-quarters of the women had been present at at least one traumatic event; on average, they had been victimized 3.3 times. One-quarter had actually witnessed a murder.

During their lives in exile, the women experienced "an extreme level of generalized anxiety." The study characterizes them as "very troubled" by health, financial, and family matters. Three-quarters of the women call themselves worried, tense, nervous, and unhappy. Two-thirds complain of headaches, are easily frightened, and say they find it difficult to make decisions.

The study finds that the family often constitutes an additional source of stress for these women, rather than support. This is attributed to overcrowded living conditions and the fact that other family members are similarly traumatized and having the same difficulties adjusting to life in the United States.

**Effect on Children** The ICCB began its study after observing developmental delays among Central American refugee children. Observations of service providers suggested that the delays were due to the mothers' lack of responsiveness to the children, due to their own poor emotional well-being.

The findings of the study supported the initial observations. The majority of the women described their children as anxious and very demanding. The author speaks of a "vicious cycle of unmet needs" between mothers and children. "The implications for the children are severe. The very nature of their living conditions entails a range of psychosocial risk factors identified for children experiencing impoverished environments. As such, they need considerable social support to offset the disadvantages that characterize their experience. The indications from the study are that this support is not available to them from within their immediate family environment."

But McCallin is not without hope. The mothers are not unaware or indifferent to the conditions they are experiencing, she says. "The consequences for the children are not the result of lack of caring on the part of the mothers. It is more a function of the women not having the emotional resources to respond effectively to their children's needs."

"The Psychosocial Consequences of Violent Displacement" is available for $3.00 from the ICCB, 323 East 47th St., New York, NY 10017. (212) 754-4674. A related publication available from ICCB for $10.00 is Reasons for Living and Hoping: The Psychosocial Needs of Southeast Asian Refugee Children in Resettlement.

A reprint of the article, "Gender-Specific Terror," is available for $2.00 from the Committee for Health Rights in Central America (CHRICA), 347 Dolores St., #210, San Francisco, CA 94110. Of related interest is Flight, Exile, and Return: Mental Health and the Refugee, edited by Adrianne Aron and available from CHRICA for $10.00.

## CENTRAL AMERICAN REFUGEE CHILDREN SHOW SIGNS OF TRAUMATIC STRESS

A recent study from researchers at the University of Houston draws attention to the traumatic events that have precipitated the flight of Central American children, as well as renewed trauma they have encountered during the journey north and in the United States. The study suggests that service providers ought to be aware of the psychological consequences of these experiences, particularly by identifying refugees suffering from Post-Traumatic Stress Disorder (PTSD), who have "a special need for programs and services to facilitate their settlement in this country."

The study, by Nestor P. Rodriguez, a sociologist, and Ximena Urrutia-Rojas, a registered nurse with a masters degree in public health, centers on unaccompanied Central American children detained by the Immigration and Naturalization Service (INS). The researchers examined 260 intake files of children in INS detention and conducted 133 interviews with children detained in the Texas Lower Rio Grande Valley and Houston between January and August of 1990.

A total of 1,269 unaccompanied Central American children were detained in three centers in the Lower Rio Grande Valley in 1989, the study found. Virtually all came from four countries: El Salvador (35%); Nicaragua (30%); Guatemala (18%); and Honduras (17%).

Four out of five children in the research sample were male. The boys were three times more likely than the girls to cite political reasons for fleeing. The researchers attributed this to the military situation, noting that a number of the boys were army deserters or were fleeing conscription. The girls reported significantly more health problems. Four of the 38 females in the group were pregnant, two as a result of rape during the journey north.

**Trauma in the Home Country** The children were asked to identify events they had experienced in their home country from a list of 15 potentially traumatic events, such as kidnap, sexual assault, hunger, homelessness, and seeing a family member or friend killed. The 133 children interviewed, on average, reported having experienced four of the traumatic events in their country of origin, and that their families on average had encountered about six.

Boys were more likely than girls to have been wounded, to have killed or shot someone, or to have been forcibly recruited into an armed group. Girls were more likely to have had a family member killed or to have been forcibly displaced.

Guatemalan children were more likely to have suffered a drastic socioeconomic change, to have experienced homelessness, and to have suffered from hunger; Nicaraguan children were more likely to have been wounded; Honduran children to have been forcibly recruited; and Salvadoran children to have encountered dead bodies in their communities of origin.

**Trauma on the Journey North** The children were presented with a similar list of traumatic events concerning their journey north. Here, on average, children encountered between three and four traumatic events. Although eight percent of the children reported no traumatic occurrences on the journey, a fifth of the group reported having experienced five to nine traumatic events. Girls reported a higher level of sexual assaults and health problems; boys reported more problems with the police.

The children were also asked to identify stressful or potentially traumatic events encountered after entering the United States, including, in addition to various types of assaults, fear of being deported or fear of legal proceedings. Fear of deportation was cited by more than two-thirds of the children.

**Post-Traumatic Stress** Taken together--experiences in the home country, during the journey, and in the United States--the average child experienced nearly ten stressful or potentially traumatic events. Only four children reported not having experienced any of the events; more than two-thirds of them experienced between 4.6 and 15 events.

The study characterizes PTSD as "an anxiety disorder of serious magnitude resulting from the experience of a stressful life event beyond one may reasonably expect in ordinary experience, such as rape, gunshot, running for one's life, natural disaster, loss of loved ones to death from accidents, war, etc."

Sixty of the children were tested for PTSD; eleven were found to suffer from the disorder, or 18.3 percent. But a larger number cited serious symptoms associated with PTSD, even if not adding up to the full criteria for the disorder. For example, 60 percent of the children cited being upset over memories at least once a week for the past month; 45 percent said they experienced flashbacks; 45 percent, emotional numbness; 38 percent, depression; 28 percent, intrusive thoughts; and 22 percent, nightmares.

The study found 48 percent of the children to suffer from serious health problems. "If this is not an accurate picture of their state of health," said the authors, "then it may indicate that they have 'somatized' their psychological symptoms, expressing depression, stress, anguish, etc., more as bodily complaints rather than as psychological symptoms. However, three scales capturing general distress, phobias, and psychotic-like symptoms (often associated with stress reactions) showed at least 50 percent of the children with clinically significant levels of these symptoms."

The 67-page study, "Undocumented and Unaccompanied: A Mental Health Study of Unaccompanied, Immigrant Children from Central America," is available for $5.00 from the Institute for Higher Education Law and Governance, University of Houston Law Center, Houston, TX 77204-6370. (713) 749-2557.

# Job Board

**Staff Attorney** The American Civil Liberties Union (ACLU) is seeking applications for a full time staff attorney at its Immigrants' Rights Project in New York City. Responsibilities include participating in trial court and appellate litigation; coordination with other immigrants' rights organizations; preparing educational materials; public speaking, and substantial travel. Qualifications include excellent analytical, research, and writing skills, and two to five years of litigation or equivalent experience. Familiarity with immigrants' rights issues is helpful but not required. Position begins on or after January 1, 1992. Applicants should send resume, three references, and one legal writing sample.
**Contact**: Lucas Guttentag, director, Immigrants' Rights Project, ACLU, 132 West 43rd Street, New York, NY 10036.

**ICMC Staff Positions in Cambodia** Several openings are available for an International Catholic Migration Commission program in Battambang, Cambodia for training and assisting widows and female war victims. Jobs include Project Director, Training Coordinator, Vocational Training Advisor, Finance/Administrative Officer, and Social Worker/Counselor. Five years related experience, especially field work with displaced persons, refugees, or the rural poor; a knowledge of or willingness to learn Khmer; and an applicable college degree are required.
**Contact**: Mitzi Schroeder, Director, ICMC, 1319 F Street, NW, Suite 820, Washington, DC 20004. (202) 393-2904.

# Meetings and Conferences

### IMMIGRANT AND REFUGEE CHILDREN IN THE UNITED STATES

The Center for Human Rights and Constitutional Law (CHRCL), along with several other co-sponsoring agencies, will hold the "Second National Conference on Immigrant and Refugee Children in the United States" in Los Angeles on November 15-16, 1991.

The conference will bring together children's advocates and advocates for immigrants and refugees to discuss topics including border violence against children, bail and release, jail conditions, detainers and holds, guardianship, shelter care and social services, mental health, and representing children before the Immigration and Naturalization Service and the Executive Office of Immigration Review. On November 15, a special seminar will provide information on how to set up a children's shelter, using the shelter operated by CHRCL as a case study.

Registration deadline is October 31, 1991. To register for the conference, or to reqest partial financial assistance to cover part of the cost of transportation or lodging for the conference, contact Leila Rand, CHRCL, 256 South Occidental Boulevard, Los Angeles, CA 90057. (213) 388-8693.

# Reader Exchange

### INS ASYLUM OFFICE REQUESTS MASTER EXHIBITS TO SUPPORT ASYLUM APPLICATIONS

Responding to the suggestion of many nongovernmental and legal assistance agencies, the Asylum Branch of the Immigration and Naturalization Service (INS) is now soliciting "Generic Master Exhibits" in support of asylum applications.

INS welcomes any information that would help them disseminate a variety of country of origin source materials to asylum officers, and any information of relevance to the improved adjudication of asylum claims. Such information, supplied by nongovernmental agencies (NGOs), would also be used by the new INS Resource Information Center(RIC), as it begins its bibliographic collection.

According to the Asylum Branch, NGOs are encouraged to provide such packets in the following way:

1. Each packet should focus on only one specific "population at risk," in only one particular country (such as Guatemalan Kanjobal Indians, Salvadoran trade unionists, Soviet Jews, Iranian Baha'i, Chinese pro-democracy activists, etc.);

2. Background documentation provided should highlight the most relevant portions, and clearly identify sources (author, title, publisher/source, date, page(s) used;

3. Each packet should come with an annotated summary of the various exhibits provided, detailing the purpose/importance of each.

Agencies should send ten copies of each master exhibit and attachments to the Director of the INS Resource Information Center, 1521 Danville Street, Arlington, VA 22201. (703) 235-3279.

**Distribution and Use of Master Exhibits** All master exhibit packages of ten sets sent to the RIC will be disseminated to field offices. One copy will be sent directly to each asylum office for their resource libraries (two to Los Angeles) and one will be kept in the RIC. Lists of master exhibits stored at RIC will be published at least quarterly in the Federal Register.

INS asylum officers will be encouraged to discuss the master packages at weekly study sessions and will be encouraged to invite local representatives of the NGO submitting the packet to those sessions. The RIC will catalogue the packets in its data base. Advocates and representatives preparing asylum applications will be encouraged to refer to the master exhibits on file in their claims.

## INS ADVISES ON REGISTERING FOR ABC BENEFITS

{The following is information provided by the Immigration and Naturalization Service (INS) to assist voluntary organizations in registering Guatemalans and Salvadorans for benefits according to the *American Baptist Churches v. Thornburgh* (ABC) settlement agreement (see Refugee Reports, Vol. XII, Nos 1 and 5).

Specific forms mentioned below may be requested from E.B. Duarte, director, Examinations Operations Support Program, INS, 425 Eye Street, NW, Washington, DC 20536.}

### *GUATEMALANS*

Guatemalans who have been in the United States as of October 1, 1990, are eligible to register for ABC benefits through December 31, 1991.

**ABC Registration Forms** Eligible Guatemalans should complete and mail the "ABC Registration Form" to: ABC Project, INS, P.O. Box 96821, Washington, DC 20090.

Guatemalans are encouraged to register via certified mail, return receipt requested. Voluntary agencies submitting forms should keep a file copy of the registration form and provide each registrant with a copy for his or her personal records as well.

Applicants may obtain copies of the registration form at local INS offices; voluntary agencies are permitted to make photocopies of this and other ABC forms.

The INS must be notified immediately and in writing of changes of address on the "ABC Change of Address Form." This form should be sent to the ABC post office box noted above.

No other forms or applications should be sent to this address except for the "ABC Registration" and "Change of Address" forms.

**New Interviews on Asylum Applications** Registering for ABC entitles eligible Guatemalans to an INS interview on their asylum applications, whether new or previously denied. The application for asylum in the United States is made on Form I-589, available from local INS offices. Guatemalans intending to register for ABC may obtain information packets from local INS offices, which contain relevant forms, a list of organizations, and a "Public Notice for Guatemalans" that advises them that they must file a new asylum application or proceed with or supplement a previously filed application before March 31, 1992.

**Work Authorization** Filing for ABC does not in itself enable a Guatemalan to seek employment authorization. In order to work legally, the applicant must:

1. Apply for ABC.

2. File a completed asylum application with the local INS district office or have an asylum application on file with the INS. In addition, each applicant age 14 or older must complete the Biographic Information form (G-325A) and the fingerprint chart (FD-258).

3. File a Request for Employment Authorization (the EAD, Form I-765) with the local INS district office along with the $60 fee if it is an initial work authorization request.

No fee will be imposed to extend the EAD unless provided for by regulation. Guatemalans with asylum applications on file with the INS have the option of noting their A-numbers on the I-765 and writing "ABC" on question 16 of the form. The employment authorization request will be processed within 60 days according to INS regulations. If granted, it will be valid for up to one year.

**Guatemalans in Pending Deportation Proceedings** Guatemalans in pending deportation proceedings must respond to the ABC notice they receive from the Executive Office of Immigration Review (EOIR) if they wish to pursue ABC benefits. These notices, which were to have been sent by EOIR no later than September 30, 1991, advise Guatemalans in deportation proceedings to register for ABC benefits by the end of 1991. In addition, they may file a new application for asylum. However, such applications must be filed on or before March 31, 1992. A registrant must have a preexisting application on file, or file an application on or before March 31, 1992. Failure to do so will result in the loss of all ABC benefits.

### *SALVADORANS*

**TPS Registrants** Nationals of El Salvador who register for the Temporary Protected Status Program (TPS) are automatically registered for the ABC benefits.

To qualify for the TPS program, Salvadorans must have been continuously residing in the United States since September 19, 1990.

Since the TPS registration deadline was recently extended until October 31, 1991, those Salvadorans who register for the TPS program by that date will be eligible for ABC benefits.

Salvadorans who register for TPS do not have to file a separate form to register for ABC benefits.

ABC class members who are also TPS registrants should follow the TPS procedures to obtain employment authorization.

Within a month of the expiration of TPS, the INS will send the Salvadorans a notice, allowing them 90 days to submit an asylum application or proceed with or supplement a previously filed application.

**Salvadorans Who Apply Only for ABC** Salvadorans who do not apply for TPS status may still register for ABC benefits on or before October 31, 1991, by completing the "ABC Registration Form" and mailing it to the ABC post office box listed above.

If the "ABC only" Salvadorans desire to work, they should follow the same procedures as outlined for Guatemalans.

After August 1, 1991, the INS began sending these Salvadorans an "ABC Notice for Salvadorans" to file an asylum application within 90 days, or proceed with or supplement an asylum application submitted previously. Interviews will begin after the TPS registration period expires.

Salvadorans not applying for TPS but who are in pending deportation proceedings have been sent the INS notice which must be returned within 90 days after the date of the notice. They will later receive a notice to file an asylum application, or proceed with or supplement a previously submitted application.

**Address Changes** The INS must be notified immediately in writing of address changes by submitting the "ABC Change of Address Form" to the ABC post office box number listed above.

# Resources

### FIRST ASSESSMENT OF NEW ASYLUM SYSTEM PUBLISHED

After only four months of full operation, the Immigration and Naturalization Service's (INS) new asylum system has won kudos from the private sector, although such praise is cautious and tentative.

The Refugee Project of the Lawyers Committee for Human Rights based its "Interim Assessment" on a survey of 29 practitioners, including representatives of nonprofit organizations and private attorneys. Nearly 90 percent of the respondents characterized the new asylum officers as qualified. "Very impressed...best asylum interview I ever had," said one representative quote. More than 90 percent said that the asylum officers' training was reflected in the interview, and three-quarters of the respondents said that they felt that the current interviewers are more qualified than the previous ones. The atmosphere of the interviews was variously described as "nice and comfortable," "respectful," "professional," "sympathetic," and "congenial."

**Problems and Criticism** Although the opening round of asylum interviews has been promising, problems loom on the horizon. "Backlogs are growing," warns the report, "and delays in adjudication, including preliminary assessments in deciding whether asylum applicants should be authorized to work, have sometimes been inordinate." The report also notes that notices of interviews have occasionally been inadequate and that access to interpreters has sometimes been denied.

The new asylum officers also come in for criticism. "Restrictions are sometimes being placed on the role of counsel in interviews," says the report, "unduly restrictive approaches have been taken by asylum officers towards evidence and standards for refugee protection,and the need is apparent for greater clarification with respect to the application of criteria for asylum."

Although the new officers won high marks for their familiarity with the applications and knowledge of conditions in the home countries, almost 90 percent of the respondents said that they still believed the adjudications to be improperly influenced by foreign policy, and more than half said that immigration enforcement considerations continue to affect status determination unduly. The jury is still out, however, as there had been no decisions issued among those surveyed.

Much criticism focused on the criteria for determining refugee status. The most frequent complaint pertained to the exclusion of conscientious objectors from refuge protection. Many also noted the lack of protection for persons fleeing from war situations.

Practitioners also often complained about difficulties in obtaining and extending work authorization for their clients. A practitioner in Florida reported waiting up to three months to get an appointment to extend work authorization. The report observed, however, that "the problems appear to be more technical than intentional."

Some of the problems are beyond the immediate influence of the asylum officers themselves. The report notes that backlogs have reached well over 100,000 cases, and "may overwhelm the relatively meager adjudicative resources." (See Refugee Reports, Vol. XII No. 5.)

**Suggestions for Reform** The Lawyers Committee invited the practitioners to suggest how the system might be improved. Not surprisingly, the most popular recommendation nationally was to boost the funding of the INS asylum branch to hire more asylum officers in order to address the problem of the growing backlog. The report notes that the INS Commissioner has promised to add 100 additional positions to the asylum branch (70 asylum officers; 8 supervisors; 22 clerks).

Several practitioners offered suggestions for cutting down the waiting time for work authorization. One suggested extending the period of work authorization from six months to a full year. Another suggested that asylum officers be given full jurisdiction over employment authorization.

Not all of the suggestions were geared toward the goal of expediting the procedure. Several practitioners recommended that more time be alloted for the interviews. In fact, one practitioner suggested that applicants be allowed 15 to 20 minutes at the start of the interview to say whatever is on their mind in an unstructured way to make them more at ease.

A practitioner in Chicago suggested that asylum applicants who have experienced torture be identified and treated separately. Many torture victims are found to have post-traumatic stress disorders (see Current Research), rendering them incapable of giving credible accounts of their experiences.

The 24-page report, "The New INS Asylum Procedure: An Interim Assessment by Practitioners," is available for $5.00 from the Lawyers Committee at 330 Seventh Avenue, 10th floor, New York, NY 10001. (212) 629-6170.

## NEW RESOURCES FOR TEACHING ABOUT REFUGEES

{Several new resources are available for educators who want to include refugees as a topic in their classrooms. Below are brief descriptions and source information.}

- "Central America in the Classroom" is a quarterly newsletter produced by the Network of Educators on Central America (NECA). The editors critique textbooks for their fairness in approaching politics and human rights in the region, suggest classroom activities, and describe resources. An upcoming edition will be focussed on refugees. To submit articles, resources, or suggestions, write the address below.

For a one-year subscription, costing $15.00 for individuals, $25.00 for institutions, send check to NECA, 1118 22nd Street, NW, Washington, DC 20037. (202) 429-0137.

- "Human Rights Education: The Fourth R," is published twice yearly by the Human Rights Education Steering Committee of Amnesty International USA (AIUSA) and Human Rights Internet (HRI). The classroom activities in Vol. 3, No. 1 (Spring 1991) focus on refugees. They are excerpted from a forthcoming curriculum guide prepared by a team of Amnesty educators (see below).

To receive the bulletin, and join the Amnesty Educators' Network, send $5.00 to AIUSA Educators' Network, 322 Eighth Avenue, New York, NY 10001. (212) 807-8400.

- Amnesty International is publishing a refugee curriculum, due in print this autumn. Produced by a team of Amnesty educators, the curriculum is for use in a wide range of subject areas, age levels, and settings within the classroom and beyond. For example, "Packing Your Suitcase," which can be used for children and adults, simulates the kinds of practical choices a refugee must make on leaving home, as well as the unforeseen consequences these choices can have. Another lesson for math classes deals with U.S. asylum statistics.

For information on obtaining the curriculum when it is published, contact: Educators' Network, Amnesty International, 53 W. Jackson, Room 1162, Chicago, IL 60604. (312) 427-2060.

- "We Left Because We Had To: An Educational Book for 14-18 Year Olds" is a new publication from the British Refugee Council. The book focuses on refugees--who they are, why they leave their homes, what happened to them in the past, and what may happen to them. It contains background information, refugees' own stories, and several classroom activities. Although for a British audience, the book is quite useful for U.S. classes as well.

Make checks for £5.00 per copy, including postage and handling, payable to the British Refugee Council, Publications Department, Publications Department, 3 Bondway, London SW8 1SJ.

- The Holy Childhood Association is distributing to Catholic schools, and to other interested groups, several materials on refugees for classroom use. A refugee-awareness kit, contains a teachers guide with script for a slide presentation; classroom wall posters; "Take Refuge!," a teaching game; a play; and map. Though some of the numbers may be dated, the activities are still quite useful.

"Flight to Hope" is a 116-page curriculum guide produced by the Catholic Consortium on Refugee Awareness. It is available through HCA for $10.00 per copy.

"In Search of Survival: Sudan" is a video for classroom use produced by HCA on the uprooted people of Sudan. The 17-minute video includes a study guide.

For further information on these and other materials, contact Holy Childhood Association, 1720 Massachusetts Avenue, NW, Washington, DC 20036. (202) 775-8637.

- "Southeast Asian New Year Celebrations: An Instructional Guide for Grades 4-6," is a new curriculum developed by Uaporn Ang Robinson for the Office of Education, National Museum of Natural History, Smithsonian Institution. The 96-page guide was produced as part of a project to help the Smithsonian better serve the Southeast Asian community. More than 2,000 teachers and students have participated in the program on which the guide is based. The guide includes activities to encourage awareness of geography and culture of Southeast Asia. It includes a wide range of activities, including geography, foods, celebrations, games, and folktales.

For a copy of the guide, write to the Office of Education, National Museum of Natural History, Smithsonian Institution, Washington, DC 20560.

## BEHIND A SPORTING FACADE, STEPPED-UP REPRESSION IN CUBA

On the occasion of Cuba's playing host to the Pan American games, America's Watch released a bulletin on escalating abuses of human rights in that country. In recent months, according to the report, Cuban authorities have detained prominent dissidents, and writers, artists, and union leaders have been dismissed from their jobs. "Rapid response brigades" have been created to control the population, officially organized mobs have been staged to intimidate government critics, and plainclothes police have physically assaulted pro-democracy activists in the streets.

"Cubans' daily lives are closely monitored and controlled by vast surveillance networks of informants which operate in neighborhoods, work centers, and schools," says the report. "And Cubans' recourse in the courts is stymied by a judicial system that is subordinate to the will of the government."

America's Watch suggests that the most disturbing recent development is the creation of the rapid response brigades. "The creation of special brigades serves as an ominous reminder of the brutal assault squads unleashed against those who sought to leave Cuba during the 1980 'Mariel boatlift.'"

Americas Watch applauds the easing of travel restrictions, but notes that it can be interpreted as an "escape valve" to reduce internal tension. "Regardless of motive, the easing of travel restrictions should be encouraged." The bulletin observes that Cubans who leave the country illegally and are caught face one to three years in prison. "Hundreds who were convicted of 'illegal exit' under the tighter travel restrictions of recent years are believed to constitute the largest category of political prisoners at this time," the report points out.

The 18-page document, "Cuba: Behind a Sporting Facade, Stepped-up Repression," is available for $2.00 from Americas Watch, 485 Fifth Ave., New York NY 10017-6104. (212) 972-8400.

## "THE LONG ROAD HOME: ANGOLA'S POST-WAR INHERITANCE"

"Even if the formal goals of Angola's peace accord are met, the realities of mass repatriation of its citizens to an infrastructure destroyed by war are not being faced by the United Nations, the United States, or the international community. As a result, the probability of continued conflict and costly and life-threatening uprooting of civilians is real."

That is the conclusion of "The Long Road Home: Angola's Post-War Inheritance," a paper issued in August by the U.S. Committee for Refugees.

The 24-page paper addresses several legacies of Angola's war that are likely to seriously complicate events during the transition of the next 18 months to two years: the war's brutal impact upon Angola's people--especially the displacement of hundreds of thousands of civilians; the indiscriminate use of land mines and the resulting population of 40,000 to 50,000 amputees; the challenge of demobilizing tens of thousands of fighters; the obstruction of effective international relief operations by both the Angolan government and UNITA; and the chronic institutional weakness of the United Nations and the U.S. political and humanitarian bias in favor of UNITA.

According to the paper, twenty percent of Angola's total population--two million people--have been uprooted by violence in that country. Any post-war renewal of Angola's rural society and economy, the paper concludes, will be the expeditious and effective reintegration of that population.

"The Long Road Home" was written by J. Stephen Morrison, an expert on Angola, and formerly a staff member of the House Subcommittee on Africa.

The paper is available from the U.S. Committee for Refugees for $4.00, postage and handling. Copies of the paper are available free of charge for Refugee Reports subscribers who request them. Write to USCR at 1025 Vermont Avenue, NW, Suite 920, Washington, DC 20005. (202) 347-3507. FAX: (202) 347-3418.

## USCR RELEASES VIDEOTAPE ON UPROOTED SRI LANKANS

Following an outbreak of fighting between the Sri Lankan army and militant Tamil separatists in June 1990, more than one million people have been displaced in Sri Lanka, largely in the northern and eastern provinces. About 210,000 Sri Lankan Tamils have sought refuge in the south Indian state of Tamil Nadu. With the assassination of former Indian Prime Minister Rajiv Gandhi in Tamil Nadu in May 1991, prospects for asylum in India have clouded. The 15-year fight between the Sri Lankan government and the Liberation Tigers of Tamil Eelam, meanwhile, seems to grow more desperate and all-encompassing.

Court Robinson, a senior policy analyst for the U.S. Committee for Refugees, has just returned from the region, where he visited more than 20 refugee camps and relief centers for displaced persons. Robinson interviewed more than 100 refugees and displaced persons, as well as Indian and Sri Lankan government officials, relief workers, and human rights advocates.

A 15-minute USCR color videotape, "If Peace Doesn't Return: Sri Lankan Refugees and Displaced Persons," is available for $15.00 from USCR. The tape includes footage of the camps and relief centers and interviews with refugees and displaced persons.

Send check to the U.S. Committee for Refugees, 1025 Vermont Avenue, NW, Suite 920, Washington, DC 20005. (202) 347-3507. FAX (202) 347-3418.

## GAO VIDEO DOCUMENTS MARGINAL LIVING CONDITIONS FOR REFUGEES

At the request of the House of Representatives Select Committee on Hunger, the General Accounting Office (GAO) has produced a 17-minute videotape that focuses on the effects of shortfalls in funding on the rising number of refugees worldwide. Refugees: Marginal Conditions for Millions examines conditions in refugee camps in six countries: Pakistan, Guinea, Sudan, Ethiopia, Malawi, and Malaysia.

The GAO report reaches three major conclusions: refugees generally receive the minimum care needed to sustain life; living conditions and provisions vary widely from location to location; and, host countries and agencies providing assistance often face major obstacles in delivering aid. "In Africa, especially," the videotape report says, "refugee programs operate on the margin; any unexpected change or problem--even an overturned truck--can break the lifeline between the refugees and the assistance and services they need."

The report finds that during the last decade the United States has contributed $9.7 billion in cash, commodities, and services to refugee assistance, although only "about one-third has been spent on the care and feeding of refugees overseas. The other two-thirds has been devoted to the admission and resettlement of refugees in the United States."

This videotape and an accompanying printed report are available from the U.S. General Accounting Office, Post Office Box 6015, Gathersburg, Maryland 20877. (202) 275-5790.

## EMERGENCY REFUGEE AND MIGRATION ASSISTANCE DRAWDOWNS: FY 1991

| DATE | PURPOSE | AMOUNT |
|---|---|---|
| Jan. 2, 1991 | **Africa**-Liberian refugees (UNHCR-$2,000,000, LICROSS-$1,000,000, UNICEF-$3,000,000); Sudanese refugees (UNHCR-$2,500,000); Chadian, Rwandan and Burundi refugees (UNHCR-$600,000); **Persian Gulf Crisis**- (UNHCR-$1,000,000, ICRC-$1,000,000, IOM-$750,000; Turkish Red Crescent-$250,000) | $12,100,000 |
| Mar. 11, 1991 | **Occupied Territories**-UNRWA-$5,000,000;<br>**Sri Lanka**-ICRC-$1,000,000 | 6,000,000 |
| Apr. 6, 1991 | **Persian Gulf Crisis**-UNHCR-$6,000,000; ICRC-$2,000,000; Turkish Relief Agencies-$2,000,000 | 10,000,000 |
| Apr. 17, 1991 | **Africa**-South African repatriation (UNHCR-$4,000,000); Malawi (WFP/UNHCR-$1,000,000 &UNICEF-$250,000); Ethiopia and Somalia (UNHCR-$10,000,000) | 15,250,000 |
| Apr. 22, 1991 | **Persian Gulf Crisis**-UNHCR-$5,000,000; ICRC-$4,900,000; Administration Expenses-$100,000 | 10,000,000 |
| June 21, 1991 | **Horn of Africa** | 2,000,000 |
| July 8, 1991 | **Western Sahara**-UNHCR | 7,000,000 |
| Aug. 29, 1991 | **Horn of Africa**-UNHCR-$16,000,000; UNICEF-$2,000,000; LICROSS-$4,000,000; UNRWA-$7,300,000; UIA-$6,000,000 | 35,300,000 |

*REFUGEE REPORTS* is published monthly for $37.50 per year for one subscription, $25.00 each for two or more subscriptions to the same addressee, or $25.00 each for ten or more subscriptions requested at the same time, mailed to separate addresses; overseas postage is an additional $24.00 for second class or an additional $75.00 for airmail; by ACNS, 95 Madison Avenue, Third Floor, New York, NY 10016. Second Class Postage paid at New York and additional mailing offices. POSTMASTER: send address changes to *Refugee Reports*, Sunbelt Fulfillment Services, P.O. Box 41094, Nashville, TN 37204.

Editorial comments and inquiries should be sent to : *Refugee Reports*, 1025 Vermont Avenue NW, Suite 920, Washington, DC 20005. All communications regarding subscriptions should be sent to: *Refugee Reports* Subscriptions, Sunbelt Fulfillment Services, P.O. Box 41536, Nashville, TN 37204. (615) 377-3322.

Basic subscription rate for 12 issues per year: $37.50; Multiple-copy rate: $25.00; Single copies of back issues: $4.00
Co-Editors: Bill Frelick and Virginia Hamilton; Staff Writers: Court Robinson and Hiram A. Ruiz
Distribution Manager: Carolyn Moore; Production Coordinator: Koula Papanicolas
© 1991 American Council for Nationalities Service. Rights of reproduction and redistribution reserved. ISSN 0884-3554

# Refugee Reports

**A News Service of the U.S. Committee for Refugees, a Project of the American Council for Nationalities Service**
**Sunbelt Fulfillment Services**
**P.O. Box 41536**
**Nashville, TN 37204**

**Address Correction Requested**
**Return Postage Guaranteed**

*****************3-DIGIT 208
RR KIANKE004JAN92 040 3DG
ED KIANKA ACQUISITIONS EDTR
CONGRESSIONAL INFORMATION SER
4520 EAST-WEST HWY STE 800
BETHESDA MD 20814